

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1231

97TH GENERAL ASSEMBLY

4472H.06T

2014

AN ACT

To repeal sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof forty-two new sections relating to the administration of justice, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 21.880, 56.807, 57.095, 105.711, 302.065, 302.067, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 456.4-420, 474.395, 477.160, 477.170, 477.180, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 478.740, 483.140,

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.

9 488.014, 488.026, 488.305, 488.2206, 488.2245, 516.140, 516.350, 525.040, 525.070, 525.080,
10 525.230, 525.310, 537.602, 574.160, 575.153, 632.520, and 650.120, to read as follows:

21.880. 1. There is hereby established a permanent joint committee of the general assembly, which shall be known as the "Joint Committee on the Justice System" and shall be composed of the following members:

(1) The chairs of the senate and house committees on the judiciary;

(2) The ranking minority members of the senate and house committees on the judiciary;

(3) Two members of the senate appointed by the president pro tempore of the senate, one of whom shall be a member of the senate committee on appropriations;

(4) The chair of the house committee with jurisdiction over matters relating to criminal laws, law enforcement, and public safety;

(5) The chair of the house committee with jurisdiction over matters relating to state correctional institutions;

(6) A member of the senate appointed by the minority floor leader of the senate;

(7) A member of the house of representatives appointed by the minority floor leader of the house of representatives;

(8) Three nonvoting ex officio members who shall be the chief justice of the Missouri supreme court, the state auditor, and the attorney general, or their designees.

2. No more than three members from each house shall be of the same political party.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one of whom shall be the house judiciary chair. The positions of chair and vice chair shall alternate every two years thereafter between the senate and house. After its organization, the committee shall meet regularly, at least twice a year, at such time and place as the chair designates, including locations other than Jefferson City. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

4. In order to promote the effective administration of justice and public safety, it shall be the duty of the joint committee to:

(1) Review and monitor:

(a) The state's justice system;

(b) The state's criminal laws, law enforcement, and public safety;

(c) The state's correctional institutions and penal and correctional issues; and

35 (d) All state government efforts related to terrorism, bioterrorism, and homeland
36 security;

37 (2) Receive reports from the judicial branch, state or local government agencies or
38 departments, and any entities attached to them for administrative purposes;

39 (3) Conduct an ongoing study and analysis of the state's justice system and related
40 issues;

41 (4) Determine the need for changes in statutory law, rules, policies, or procedures;

42 (5) Make any recommendations to the general assembly for legislative action; and

43 (6) Perform other duties authorized by concurrent resolution of the general
44 assembly.

45 5. By January 15, 2016, and every year thereafter, it shall be the duty of the joint
46 committee to file with the general assembly a report of its activities, along with any findings
47 or recommendations the committee may have for legislative action.

48 6. The joint committee shall establish a permanent subcommittee on the Missouri
49 criminal code, which shall conduct and supervise a continuing program of revision
50 designed to maintain the cohesiveness, consistency, and effectiveness of the criminal laws
51 of the state. In connection with this program, the committee may select an advisory
52 committee on the Missouri criminal code, composed of a representative of the Missouri
53 supreme court, a representative of the office of the attorney general, and other individuals
54 known to be interested in the improvement of the state's criminal laws, and may authorize
55 the payment of any actual and necessary expenses incurred by such members while
56 attending meetings with the committee or the subcommittee on the Missouri criminal code.
57 The subcommittee on the Missouri criminal code shall present to the general assembly in
58 each tenth year such criminal code revision bills as it finds appropriate to accomplish its
59 purpose.

60 7. The joint committee may make reasonable requests for staff assistance from the
61 research and appropriations staffs of the senate and house and the joint committee on
62 legislative research, and may employ such personnel as it deems necessary to carry out the
63 duties imposed by this section, within the limits of any appropriation for such purpose. In
64 the performance of its duties, the committee may request assistance or information from
65 all branches of government and state departments, agencies, boards, commissions, and
66 offices.

67 8. The members of the committee shall serve without compensation, but any actual
68 and necessary expenses incurred in the performance of the committee's official duties by
69 the joint committee, its members, and any staff assigned to the committee shall be paid
70 from the joint contingent fund.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

[(1)] (a) For counties of the third and fourth classification except as provided in [subdivision (3)] **paragraph (c)** of this [subsection] **subdivision**, one hundred eighty-seven dollars;

[(2)] (b) For counties of the second classification, two hundred seventy-one dollars;

[(3)] (c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37 **(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a)**
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**
40 **annual actuarial valuation report. If the system's funding ratio is:**

- 41 **(a) One hundred twenty percent or more, no monthly sum shall be transmitted;**
42 **(b) More than one hundred ten percent but less than one hundred twenty percent,**
43 **the monthly sum transmitted shall be reduced fifty percent;**
44 **(c) At least ninety percent and up to and including one hundred ten percent, the**
45 **monthly sum transmitted shall remain the same;**
46 **(d) At least eighty percent and less than ninety percent, the monthly sum**
47 **transmitted shall be increased fifty percent; and**
48 **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
54 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
55 purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
59 filed in the courts of this state including violation of any county ordinance [or] , any violation
60 of criminal or traffic laws of this state, including infractions, **and against any person who has**
61 **pled guilty for any violation and paid a fine through a fine collection center**, but no such
62 surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or
63 municipality or when a criminal proceeding or the defendant has been dismissed by the court [or
64 against any person who has pled guilty and paid their fine pursuant to subsection 4 of section
65 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance
66 of the city of St. Louis;

67 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
68 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
69 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
70 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
71 provided for in sections 56.800 to 56.840 and for no other purpose.

72 8. The board may accept gifts, donations, grants and bequests from private or public
73 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

74 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
75 unless provided for by law.

**57.095. Notwithstanding the provisions of section 537.600 to the contrary, sheriffs
2 or any other law enforcement officers shall have immunity from any liability, civil or
3 criminal, while conducting service of process at the direction of any court to the extent that
4 the officers' actions do not violate clearly established statutory or constitutional rights of
5 which a reasonable person would have known.**

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim
5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087 or section 537.600;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions, and
11 members of the Missouri National Guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any
13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287;

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
17 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under formal
18 contract to conduct disability reviews on behalf of the department of elementary and secondary
19 education or provide services to patients or inmates of state correctional facilities on a part-time
20 basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care
21 provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336,
22 337, or 338 who is under formal contract to provide services to patients or inmates at a county
23 jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of
25 chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed
26 by or under contract with a city or county health department organized under chapter 192 or
27 chapter 205, or a city health department operating under a city charter, or a combined city-county

28 health department to provide services to patients for medical care caused by pregnancy, delivery,
29 and child care, if such medical services are provided by the physician pursuant to the contract
30 without compensation or the physician is paid from no other source than a governmental agency
31 except for patient co-payments required by federal or state law or local ordinance;

32 (c) Any physician licensed to practice medicine in Missouri under the provisions of
33 chapter 334 who is employed by or under contract with a federally funded community health
34 center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
35 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,
36 and child care, if such medical services are provided by the physician pursuant to the contract
37 or employment agreement without compensation or the physician is paid from no other source
38 than a governmental agency or such a federally funded community health center except for
39 patient co-payments required by federal or state law or local ordinance. In the case of any claim
40 or judgment that arises under this paragraph, the aggregate of payments from the state legal
41 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
42 and judgments based upon the same act or acts alleged in a single cause against any such
43 physician, and shall not exceed one million dollars for any one claimant;

44 (d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives
45 no compensation from a nonprofit entity qualified as exempt from federal taxation under Section
46 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
47 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or
48 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
49 337, or 338 who provides health care services within the scope of his or her license or
50 registration at a city or county health department organized under chapter 192 or chapter 205,
51 a city health department operating under a city charter, or a combined city-county health
52 department, or a nonprofit community health center qualified as exempt from federal taxation
53 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, **excluding federally**
54 **funded community health centers as specified in paragraph (c) of this subdivision and**
55 **rural health clinics under 42 U.S.C. 1396d(l)(1)**, if such services are restricted to primary care
56 and preventive health services, provided that such services shall not include the performance of
57 an abortion, and if such health services are provided by the health care professional licensed or
58 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without compensation. MO
59 HealthNet or Medicare payments for primary care and preventive health services provided by a
60 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
61 or 338 who volunteers at a [free] **community** health clinic is not compensation for the purpose
62 of this section if the total payment is assigned to the [free] **community** health clinic. For the
63 purposes of the section, "[free] **community** health clinic" means a nonprofit community health

64 center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
65 Code of 1987, as amended, that provides primary care and preventive health services to people
66 without health insurance coverage [for the services provided without charge]. In the case of any
67 claim or judgment that arises under this paragraph, the aggregate of payments from the state legal
68 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
69 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
70 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
71 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.
72 Liability or malpractice insurance obtained and maintained in force by or on behalf of any health
73 care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338
74 shall not be considered available to pay that portion of a judgment or claim for which the state
75 legal expense fund is liable under this paragraph;

76 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
77 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
78 hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing,
79 who provides medical, nursing, or dental treatment within the scope of his license or registration
80 to students of a school whether a public, private, or parochial elementary or secondary school or
81 summer camp, if such physician's treatment is restricted to primary care and preventive health
82 services and if such medical, dental, or nursing services are provided by the physician, dentist,
83 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim
84 or judgment that arises under this paragraph, the aggregate of payments from the state legal
85 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
86 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
87 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
88 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
89 or

90 (f) Any physician licensed under chapter 334, or dentist licensed under chapter 332,
91 providing medical care without compensation to an individual referred to his or her care by a city
92 or county health department organized under chapter 192 or 205, a city health department
93 operating under a city charter, or a combined city-county health department, or nonprofit health
94 center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
95 Code of 1986, as amended, or a federally funded community health center organized under
96 Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c;
97 provided that such treatment shall not include the performance of an abortion. In the case of any
98 claim or judgment that arises under this paragraph, the aggregate of payments from the state legal
99 expense fund shall be limited to a maximum of one million dollars for all claims arising out of

100 and judgments based upon the same act or acts alleged in a single cause and shall not exceed one
101 million dollars for any one claimant, and insurance policies purchased under the provisions of
102 section 105.721 shall be limited to one million dollars. Liability or malpractice insurance
103 obtained and maintained in force by or on behalf of any physician licensed under chapter 334,
104 or any dentist licensed under chapter 332, shall not be considered available to pay that portion
105 of a judgment or claim for which the state legal expense fund is liable under this paragraph;

106 (4) Staff employed by the juvenile division of any judicial circuit;

107 (5) Any attorney licensed to practice law in the state of Missouri who practices law at
108 or through a nonprofit community social services center qualified as exempt from federal
109 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through
110 any agency of any federal, state, or local government, if such legal practice is provided by the
111 attorney without compensation. In the case of any claim or judgment that arises under this
112 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a
113 maximum of five hundred thousand dollars for all claims arising out of and judgments based
114 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand
115 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of
116 section 105.721 shall be limited to five hundred thousand dollars;

117 (6) Any social welfare board created under section 205.770 and the members and officers
118 thereof upon conduct of such officer or employee while acting in his or her capacity as a board
119 member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or
120 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
121 337, or 338 who is referred to provide medical care without compensation by the board and who
122 provides health care services within the scope of his or her license or registration as prescribed
123 by the board; or

124 (7) Any person who is selected or appointed by the state director of revenue under
125 subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent that
126 such agent's actions or inactions upon which such claim or judgment is based were performed
127 in the course of the person's official duties as an agent of the department of revenue and in the
128 manner required by state law or department of revenue rules.

129 3. The department of health and senior services shall promulgate rules regarding contract
130 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of
131 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal
132 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,
133 provided in subsection 7 of this section, shall not apply to any claim or judgment arising under
134 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim
135 or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection

2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d),

(e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs. In the case of any claim or judgment against an officer or employee of the state or any agency of the state based upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state that would give rise to a cause of action under section 537.600, the state legal expense fund shall be liable, excluding punitive damages, for:

(1) Economic damages to any one claimant; and

(2) Up to three hundred fifty thousand dollars for noneconomic damages.

The state legal expense fund shall be the exclusive remedy and shall preclude any other civil actions or proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.

6. The limitation on awards for noneconomic damages provided for in this subsection shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

208 8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit
209 of the state legal expense fund at the end of an appropriation period shall not be transferred to
210 general revenue.

211 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is
212 promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective
213 only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section
214 shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28,
215 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are
216 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
217 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
218 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
219 August 28, 1999, shall be invalid and void.

 302.065. 1. Notwithstanding section 32.090 or any other provision of the law to the
2 contrary, and except as provided in subsection 4 of this section, the department of revenue shall
3 not retain copies, in any format, of source documents presented by individuals applying for or
4 holding driver's licenses or nondriver's licenses. The department of revenue shall not use
5 technology to capture digital images of source documents so that the images are capable of being
6 retained in electronic storage in a transferable format.

7 2. By December 31, 2013, the department of revenue shall securely destroy so as to make
8 irretrievable any source documents that have been obtained from driver's license or nondriver's
9 license applicants after September 1, 2012.

10 3. As long as the department of revenue has the authority to issue a concealed carry
11 endorsement, the department shall not retain copies of any certificate of qualification for a
12 concealed carry endorsement presented to the department for an endorsement on a driver's
13 license or nondriver's license under section 571.101. The department of revenue shall not use
14 technology to capture digital images of a certificate of qualification nor shall the department
15 retain digital or electronic images of such certificates. The department of revenue shall merely
16 verify whether the applicant for a driver's license or nondriver's license has presented a certificate
17 of qualification which will allow the applicant to obtain a concealed carry endorsement. By
18 December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable
19 any copies of certificates of qualification that have been obtained from driver's license or
20 nondriver's license applicants.

21 4. The provisions of this section shall not apply to:

- 22 (1) Original application forms, which may be retained but not scanned;
23 (2) Test score documents issued by state highway patrol driver examiners;

24 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of
25 the United States, including documents demonstrating duration of the person's lawful presence
26 in the United States; and

27 (4) Any document required to be retained under federal motor carrier regulations in Title
28 49, Code of Federal Regulations, including but not limited to documents required by federal law
29 for the issuance of a commercial driver's license and a commercial driver instruction permit; and

30 (5) Any other document at the request of and for the convenience of the applicant where
31 the applicant requests the department of revenue review alternative documents as proof required
32 for issuance of a [driver] **driver's** license, [nondriver] **nondriver's** license, or instruction permit.

33 5. As used in this section, the term "source documents" means original or certified
34 copies, where applicable, of documents presented by an applicant as required under 6 CFR Part
35 37 to the department of revenue to apply for a driver's license or nondriver's license. Source
36 documents shall also include any documents required for the issuance[, renewal, or replacement]
37 of driver's licenses or nondriver's licenses by the department of revenue under the provisions of
38 this chapter or accompanying regulations.

39 6. Any person harmed or damaged by any violation of this section may bring a civil
40 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
41 in the circuit court where that person resided at the time of the violation or in the circuit court
42 [or the circuit court] of Cole County to recover such damages from the department of revenue
43 and any persons participating in such violation. Sovereign immunity shall not be available as
44 a defense for the department of revenue in such an action. In the event the plaintiff prevails on
45 any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees
46 from the defendants.

**302.067. Any original or certified copy, if applicable, of a document presented by
2 an applicant under this chapter and its accompanying regulations as proof of lawful
3 presence or citizenship to the department of revenue to apply for a driver's license,
4 nondriver's license or instruction permit shall not be required to be presented by the
5 applicant for any subsequent new, renewal, or duplicate application, except:**

6 (1) Documents demonstrating lawful presence of any applicant who is not a citizen
7 of the United States, including documents demonstrating duration of the person's lawful
8 presence in the United States, may be required to be presented upon each subsequent
9 application;

10 (2) The department may require the documents to be presented if it is reasonably
11 believed by the department that the prior driver's license or non-driver's license was issued
12 as a result of a fraudulent act of the applicant;

13 **(3) Applicants applying for or renewing a commercial driver's license or**
14 **commercial driver's instruction permit; or**

15 **(4) The department may require an applicant to present such documents**
16 **demonstrating lawful presence or citizenship specified in this section in order to correct**
17 **any known or presumed error on the driver's license, nondriver's license, or instruction**
18 **permit.**

334.950. 1. As used in this section, the following terms shall mean:

2 (1) "Child abuse medical resource centers", medical institutions affiliated with accredited
3 children's hospitals or recognized institutions of higher education with accredited medical school
4 programs that provide training, support, mentoring, and peer review to SAFE CARE providers
5 in Missouri;

6 (2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's
7 assistant licensed in this state who provides medical diagnosis and treatment to children
8 suspected of being victims of abuse and who receives:

9 (a) Missouri-based initial intensive training regarding child maltreatment from the SAFE
10 CARE network;

11 (b) Ongoing update training on child maltreatment from the SAFE CARE network;

12 (c) Peer review and new provider mentoring regarding the forensic evaluation of children
13 suspected of being victims of abuse from the SAFE CARE network;

14 (3) "Sexual assault forensic examination child abuse resource education network" or
15 "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource
16 centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and
17 peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this
18 state to improve outcomes for children who are victims of or at risk for child maltreatment by
19 enhancing the skills and role of the medical provider in a multidisciplinary context.

20 2. Child abuse medical resource centers may collaborate directly or through the use of
21 technology with SAFE CARE providers to promote improved services to children who are
22 suspected victims of abuse that will need to have a forensic medical evaluation conducted by
23 providing specialized training for forensic medical evaluations for children conducted in a
24 hospital, child advocacy center, or by a private health care professional without the need for a
25 collaborative agreement between the child abuse medical resource center and a SAFE CARE
26 provider.

27 3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may
28 collaborate directly or through the use of technology with other SAFE CARE providers and child
29 abuse medical resource centers to promote improved services to children who are suspected
30 victims of abuse that will need to have a forensic medical evaluation conducted by providing

31 specialized training for forensic medical evaluations for children conducted in a hospital, child
32 advocacy center, or by a private health care professional without the need for a collaborative
33 agreement between the child abuse medical resource center and a SAFE CARE provider.

34 4. The SAFE CARE network shall develop recommendations concerning medically
35 based screening processes and forensic evidence collection for children who may be in need of
36 an emergency examination following an alleged sexual assault. Such recommendations shall be
37 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed
38 practitioners that provide emergency examinations for children suspected of being victims of
39 abuse.

40 5. The department of public safety shall establish rules and make payments to
41 SAFE CARE providers, out of appropriations made for that purpose, who provide forensic
42 examinations of persons under eighteen years of age who are alleged victims of physical
43 abuse.

44 6. The department shall establish maximum reimbursement rates for charges
45 submitted under this section, which shall reflect the reasonable cost of providing the
46 forensic exam.

47 7. The department shall only reimburse providers for forensic evaluations and case
48 reviews. The department shall not reimburse providers for medical procedures, facility
49 fees, supplies, or laboratory/radiology tests.

50 8. In order for the department to provide reimbursement, the child shall be the
51 subject of a child abuse investigation or reported to the children's division as a result of the
52 examination.

53 9. A minor may consent to examination under this section. Such consent is not
54 subject to disaffirmance because of the individual's status as a minor, and the consent of
55 a parent or guardian of the minor is not required for such examination.

408.040. 1. Judgments shall accrue interest on the judgment balance as set forth
2 in this section. The "judgment balance" is defined as the total amount of the judgment
3 awarded on the day judgment is entered including, but not limited to, principal,
4 prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be
5 applied first to post-judgment costs, then to post-judgment interest, and then to the
6 judgment balance.

7 2. In all nontort actions, interest shall be allowed on all money due upon any judgment
8 or order of any court from the date judgment is entered by the trial court until satisfaction be
9 made by payment, accord or sale of property; all such judgments and orders for money upon
10 contracts bearing more than nine percent interest shall bear the same interest borne by such

11 contracts, and all other judgments and orders for money shall bear nine percent per annum until
12 satisfaction made as aforesaid.

13 [2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions,
14 interest shall be allowed on all money due upon any judgment or order of any court from the date
15 [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders
16 for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as
17 established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The
18 judgment shall state the applicable interest rate, which shall not vary once entered. In tort
19 actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a
20 claim, to the party, parties or their representatives, and to such party's liability insurer if known
21 to the claimant, and the amount of the judgment or order exceeds the demand for payment or
22 offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety
23 days after the demand or offer was received, as shown by the certified mail return receipt, or
24 from the date the demand or offer was rejected without counter offer, whichever is earlier. In
25 order to qualify as a demand or offer pursuant to this section, such demand must:

26 (1) Be in writing and sent by certified mail return receipt requested; and

27 (2) Be accompanied by an affidavit of the claimant describing the nature of the claim,
28 the nature of any injuries claimed and a general computation of any category of damages sought
29 by the claimant with supporting documentation, if any is reasonably available; and

30 (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a
31 list of the names and addresses of medical providers who have provided treatment to the claimant
32 or decedent for such injuries, copies of all reasonably available medical bills, a list of employers
33 if the claimant is seeking damages for loss of wages or earning, and written authorizations
34 sufficient to allow the party, its representatives, and liability insurer if known to the claimant to
35 obtain records from all employers and medical care providers; and

36 (4) Reference this section and be left open for ninety days.

37

38 Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause
39 of action in circuit court prior to a date one hundred twenty days after the demand or offer was
40 received, then the court shall not award prejudgment interest to the claimant. If the claimant is
41 a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably
42 appears to be qualified to act as next friend or conservator or personal representative. If the
43 claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to
44 section 537.080 to make claim for the death. Nothing contained herein shall limit the right of
45 a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise
46 provided by law or contract.

47 [3.] 4. In tort actions, a judgment for prejudgment interest awarded pursuant to this
48 [subsection] **section** should bear interest at a per annum interest rate equal to the intended
49 Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The
50 judgment shall state the applicable interest rate, which shall not vary once entered.

452.556. 1. The state courts administrator shall create a handbook or be responsible for
2 the approval of a handbook outlining the following:

- 3 (1) What is included in a parenting plan;
- 4 (2) The benefits of the parties agreeing to a parenting plan which outlines education,
5 custody and cooperation between parents;
- 6 (3) The benefits of alternative dispute resolution;
- 7 (4) The pro se family access motion for enforcement of custody or temporary physical
8 custody;
- 9 (5) The underlying assumptions for supreme court rules relating to child support; and
- 10 (6) A party's duties and responsibilities pursuant to section 452.377, including the
11 possible consequences of not complying with section 452.377. The handbooks shall be
12 distributed to each court and shall be available in an alternative format, including Braille, large
13 print, or electronic or audio format upon request by a person with a disability, as defined by the
14 federal Americans with Disabilities Act.

15 2. Each court shall [mail] **provide** a copy of the handbook developed pursuant to
16 subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant
17 to section 452.310, or any proceeding in modification thereof, where minor children are
18 involved, or may provide the petitioner with a copy of the handbook at the time the petition is
19 filed and direct that a copy of the handbook be served along with the petition and summons upon
20 the respondent.

21 3. The court shall make the handbook available to interested state agencies and members
22 of the public.

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and
2 454.475, the obligated parent, the division, or the person or agency having custody of the
3 dependent child may file a motion for modification with the director. Such motion shall be in
4 writing, shall set forth the reasons for modification, and shall state the address of the moving
5 party. The motion shall be served by the moving party in the manner provided for in subsection
6 5 of section 454.465 upon the obligated parent or the party holding the support rights, as
7 appropriate. In addition, if the support rights are held by the division of family services on behalf
8 of the state, a true copy of the motion shall be mailed by the moving party by certified mail to
9 the person having custody of the dependent child at the last known address of that person. A
10 hearing on the motion shall then be provided in the same manner, and determinations shall be

11 based on considerations set out in section 454.475, unless the party served fails to respond within
12 thirty days, in which case the director may enter an order by default. If the child for whom the
13 order applies is no longer in the custody of a person receiving public assistance or receiving
14 support enforcement services from the department, or a division thereof, pursuant to section
15 454.425, the director may certify the matter for hearing to the circuit court in which the order was
16 filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the
17 director certifies the matter for hearing to the circuit court, service of the motion to modify shall
18 be had in accordance with the provisions of subsection 5 of section 452.370. If the director does
19 not certify the matter for hearing to the circuit court, service of the motion to modify shall be
20 considered complete upon personal service, or on the date of mailing, if sent by certified mail.
21 For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the appropriate agent
22 to receive the notice of the motion to modify for the obligee or the obligor, but only in those
23 instances in which the matter is not certified to circuit court for hearing, and only when service
24 of the motion is attempted on the obligee or obligor by certified mail.

25 2. A motion for modification made pursuant to this section shall not stay the director
26 from enforcing and collecting upon the existing order pending the modification proceeding
27 unless so ordered by the court.

28 3. Only payments accruing subsequent to the service of the motion for modification upon
29 all named parties to the motion may be modified. Modification may be granted only upon a
30 showing of a change of circumstances so substantial and continuing as to make the terms
31 unreasonable. In a proceeding for modification of any child support award, the director, in
32 determining whether or not a substantial change in circumstances has occurred, shall consider
33 all financial resources of both parties, including the extent to which the reasonable expenses of
34 either party are, or should be, shared by a spouse or other person with whom he or she cohabits,
35 and the earning capacity of a party who is not employed. If the application of the guidelines and
36 criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would
37 result in a change of child support from the existing amount by twenty percent or more, then a
38 prima facie showing has been made of a change of circumstances so substantial and continuing
39 as to make the present terms unreasonable.

40 4. **If the division has entered an order under section 454.470 or 454.500, and an**
41 **additional child or children not the subject of the order are born to the parties, the division**
42 **may, following the filing of a motion to modify, service of process, and opportunity for a**
43 **hearing pursuant to this section, modify the underlying child support order to include a**
44 **single child support obligation for all children of the parties in conformity with the criteria**
45 **set forth in supreme court rule 88.01.**

46 **5.** The circuit court may, upon such terms as may be just, relieve a parent from an
47 administrative order entered against that parent because of mistake, inadvertence, surprise, or
48 excusable neglect.

49 [5.] **6.** No order entered pursuant to section 454.476 shall be modifiable pursuant to this
50 section, except that an order entered pursuant to section 454.476 shall be amended by the director
51 to conform with any modification made by the court that entered the court order upon which the
52 director based his or her order.

53 [6.] **7.** When the party seeking modifications has met the burden of proof set forth in
54 subsection 3 of this section, then the child support shall be determined in conformity with the
55 criteria set forth in supreme court rule 88.01.

56 [7.] **8.** The last four digits of the Social Security number of the parents shall be recorded
57 on any order entered pursuant to this section. The full Social Security number of each party and
58 each child shall be retained in the manner required by section 509.520.

 455.007. Notwithstanding any other provision of law to the contrary, the public interest
2 exception to the mootness doctrine shall apply to an appeal of a full order of protection which[:

3 (1)] has expired[; and

4 (2) Subjects the person against whom such order is issued to significant collateral
5 consequences by the mere existence of such full order of protection after its expiration].

 456.950. 1. As used in this section, "qualified spousal trust" means a trust:

2 (1) The settlors of which are husband and wife at the time of the creation of the trust; and

3 (2) The terms of which provide that during the joint lives of the settlors all property or
4 interests in property transferred to, or held by, the trustee are:

5 (a) Held and administered in one trust for the benefit of both settlors, revocable by either
6 or both settlors acting together while either or both are alive, and each settlor having the right
7 to receive distributions of income or principal, whether mandatory or within the discretion of the
8 trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

9 (b) Held and administered in two separate shares of one trust for the benefit of each of
10 the settlors, with the trust revocable by each settlor with respect to that settlor's separate share
11 of that trust without the participation or consent of the other settlor, and each settlor having the
12 right to receive distributions of income or principal, whether mandatory or within the discretion
13 of the trustee, from that settlor's separate share for that settlor's life; or

14 (c) Held and administered under the terms and conditions contained in paragraphs (a)
15 and (b) of this subdivision.

16 2. A qualified spousal trust may contain any other trust terms that are not inconsistent
17 with the provisions of this section.

18 3. **Any** property or interests in property [held as tenants by the entirety by a husband and
19 wife] that [is] **are** at any time transferred to the trustee of a qualified spousal trust of which the
20 husband and wife are the settlors, shall **thereafter** be [held and] administered as provided by the
21 trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this
22 section[, and all such] . **All trust** property and interests in property **deemed for purposes of this**
23 **section to be held as tenants by the entirety**, including the proceeds thereof, the income
24 thereon, and any property into which such property, proceeds, or income may be converted, shall
25 [thereafter] have the same immunity from the claims of the separate creditors of the settlors as
26 would have existed if the settlors had continued to hold that property as husband and wife as
27 tenants by the entirety. **Property or interests in property held by a husband and wife as**
28 **tenants by the entirety or as joint tenants or other form of joint ownership with right of**
29 **survivorship shall be conclusively deemed for purposes of this section to be held as tenants**
30 **by the entirety upon its transfer to the qualified spousal trust. All such transfers shall**
31 **retain said immunity**, so long as:

32 (1) Both settlors are alive and remain married; and

33 (2) The property, proceeds, or income continue to be held in trust by the trustee of the
34 qualified spousal trust.

35 4. Property or interests in property held by a husband and wife or held in the sole name
36 of a husband or wife that [is] **are** not held as tenants by the entirety **or deemed held as tenants**
37 **by the entirety for purposes of this section** and [is] **are** transferred to a qualified spousal trust
38 shall be held as directed in the qualified spousal trust's governing instrument or in the instrument
39 of transfer and the rights of any claimant to any interest in that property shall not be affected by
40 this section.

41 5. Upon the death of each settlor, all property and interests in property held by the trustee
42 of the qualified spousal trust shall be distributed as directed by the then current terms of the
43 governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior
44 to death the predeceased settlor's interest in the qualified spousal trust was then held in such
45 settlor's separate share, the property or interests in property in such settlor's separate share may
46 pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the
47 governing instrument shall direct, including without limitation a spendthrift provision as
48 provided in section 456.5-502.

49 6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect
50 or change either settlor's marital property rights to the transferred property or interest therein
51 immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless
52 both spouses otherwise expressly agree in writing.

53 7. This section shall apply to all trusts which fulfill the criteria set forth in this section
54 for a qualified spousal trust regardless of whether such trust was created before or after August
55 28, 2011.

**456.4-420. 1. If a trust instrument containing a no-contest clause is or has become
2 irrevocable, an interested person may file a petition to the court for an interlocutory
3 determination whether a particular motion, petition, or other claim for relief by the
4 interested person would trigger application of the no-contest clause or would otherwise
5 trigger a forfeiture that is enforceable under applicable law and public policy.**

6 **2. The petition described in subsection 1 of this section shall be verified under oath.
7 The petition may be filed by an interested person either as a separate judicial proceeding,
8 or brought with other claims for relief in a single judicial proceeding, all in the manner
9 prescribed generally for such proceedings under this chapter. If a petition is joined with
10 other claims for relief, the court shall enter its order or judgment on the petition before
11 proceeding any further with any other claim for relief joined therein. In ruling on such a
12 petition, the court shall consider the text of the clause, the context to the terms of the trust
13 instrument as a whole, and in the context of the verified factual allegations in the petition.
14 No evidence beyond the pleadings and the trust instrument shall be taken except as
15 required to resolve an ambiguity in the no-contest clause.**

16 **3. An order or judgment determining a petition described in subsection 1 of this
17 section shall have the effect set forth in subsections 4 and 5 of this section, and shall be
18 subject to appeal as with other final judgments. If the order disposes of fewer than all
19 claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in
20 accordance with the applicable rules for taking such an appeal. If an interlocutory appeal
21 is taken, the court may stay the pending judicial proceeding until final disposition of said
22 appeal on such terms and conditions as the court deems reasonable and proper under the
23 circumstances. A final ruling on the applicability of a no-contest clause shall not preclude
24 any later filing and adjudication of other claims related to the trust.**

25 **4. An order or judgment, in whole or in part, on a petition described in subsection
26 1 of this section shall result in the no-contest clause being enforceable to the extent of the
27 court's ruling and shall govern application of the no-contest clause to the extent that the
28 interested person then proceeds forward with the claims described therein. In the event
29 such an interlocutory order or judgment is vacated, reversed, or otherwise modified on
30 appeal, no interested person shall be prejudiced by any reliance, through action, inaction,
31 or otherwise on the order or judgment prior to final disposition of the appeal.**

32 **5. An order or judgment shall have effect only as to the specific trust terms and
33 factual basis recited in the petition. If claims are later filed that are materially different**

34 than those upon which the order or judgment is based, then to the extent such new claims
35 are raised, the party in whose favor the order or judgment was entered shall have no
36 protection from enforcement of the no-contest clause otherwise afforded by the order and
37 judgment entered under this section.

38 6. For purposes of this section, a "no-contest clause" shall mean a provision in a
39 trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment
40 of, any person or that otherwise effects a forfeiture of some or all of an interested person's
41 beneficial interest in a trust estate as a result of some action taken by the beneficiary. This
42 definition shall not be construed in any way as determining whether a no-contest clause is
43 enforceable under applicable law and public policy in a particular factual situation. As
44 used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

45 7. A no-contest clause is not enforceable against an interested person in, but not
46 limited to, the following circumstances:

47 (1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction
48 or venue of the court over a proceeding concerning a trust or over any person joined or
49 attempted to be joined in such a proceeding;

50 (2) Filing a motion, petition, or other claim for relief concerning an accounting,
51 report, or notice that has or should have been made by a trustee, provided the interested
52 person otherwise has standing to do so under applicable law including, but not limited to,
53 section 456.6-603;

54 (3) Filing a motion, petition, or other claim for relief under chapter 475 concerning
55 the appointment of a guardian or conservator for the settlor;

56 (4) Filing a motion, petition, or other claim for relief under chapter 404 concerning
57 the settlor;

58 (5) Disclosure to any person of information concerning a trust instrument or that
59 is relevant to a proceeding before the court concerning the trust instrument or property
60 of the trust estate, unless such disclosure is otherwise prohibited by law;

61 (6) Filing a motion, pleading, or other claim for relief seeking approval of a
62 nonjudicial settlement agreement concerning a trust instrument, as set forth in section
63 456.1-111;

64 (7) To the extent a petition under subsection 1 of this section is limited to the
65 procedure and purpose described therein.

66 8. In any proceeding brought under this section, the court may award costs,
67 expenses, and attorney's fees to any party as provided in section 456.10-1004.

474.395. 1. If a will contains a no-contest clause, an interested person may file a
2 petition with the court for a determination whether a particular motion, petition, action,

3 or other claim for relief by the interested person would trigger application of the no-contest
4 clause or would otherwise trigger a forfeiture that is enforceable under applicable law and
5 public policy, which application would be adjudicated in the manner prescribed in section
6 456.4-420, and subject to the provisions set forth therein.

7 2. For purposes of this section, a "no-contest clause" shall mean a provision in a
8 will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person
9 who institutes a proceeding challenging the validity of all or part of the will or that
10 otherwise effects a forfeiture of some or all of an interested person's beneficial interest in
11 the estate as a result of some action taken by the beneficiary. This definition shall not be
12 construed in any way as determining whether a no-contest clause is enforceable under
13 applicable law and public policy in a particular factual situation. As used in this section,
14 the term "no-contest clause" shall also mean an "in terrorem clause".

477.160. There shall be [twelve] **fourteen** judges of the eastern district of the court of
2 appeals.

477.170. There shall be [seven] **eleven** judges of the western district of the court of
2 appeals.

477.180. There shall be [five] **seven** judges of the southern district of the court of
2 appeals.

478.320. 1. In counties having a population of thirty thousand or less, there shall be one
2 associate circuit judge. In counties having a population of more than thirty thousand and less
3 than one hundred thousand, there shall be two associate circuit judges. In counties having a
4 population of one hundred thousand or more, there shall be three associate circuit judges and one
5 additional associate circuit judge for each additional one hundred thousand inhabitants.

6 2. [When the office of state courts administrator indicates in an annual judicial weighted
7 workload model for three consecutive years or more the need for four or more full-time judicial
8 positions in any judicial circuit having a population of one hundred thousand or more, there shall
9 be one additional associate circuit judge position in such circuit for every four full-time judicial
10 positions needed as indicated in the weighted workload model. In a multicounty circuit, the
11 additional associate circuit judge positions shall be apportioned among the counties in the circuit
12 on the basis of population, starting with the most populous county, then the next most populous
13 county, and so forth.

14 3.] For purposes of this section, notwithstanding the provisions of section 1.100,
15 population of a county shall be determined on the basis of the last previous decennial census of
16 the United States; and, beginning after certification of the year 2000 decennial census, on the
17 basis of annual population estimates prepared by the United States Bureau of the Census,
18 provided that the number of associate circuit judge positions in a county shall be adjusted only

19 after population estimates for three consecutive years indicate population change in the county
20 to a level provided by subsection 1 of this section.

21 [4.] 3. Except in circuits where associate circuit judges are selected under the provisions
22 of Sections 25(a) to (g) of Article V of the constitution, the election of associate circuit judges
23 shall in all respects be conducted as other elections and the returns made as for other officers.

24 [5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the constitution,
25 associate circuit judges shall be elected by the county at large.

26 [6.] 5. No associate circuit judge shall practice law, or do a law business, nor shall he or
27 she accept, during his or her term of office, any public appointment for which he or she receives
28 compensation for his or her services.

29 [7.] 6. No person shall be elected as an associate circuit judge unless he or she has
30 resided in the county for which he or she is to be elected at least one year prior to the date of his
31 or her election; provided that, a person who is appointed by the governor to fill a vacancy may
32 file for election and be elected notwithstanding the provisions of this subsection.

478.437. [The circuit court of the county of St. Louis, comprising circuit number
2 twenty-one, shall be composed of nineteen divisions and nineteen judges] 1. **Beginning in fiscal**
3 **year 2015, there shall be twenty circuit judges in the twenty-first judicial circuit. These**
4 **judges shall sit in twenty divisions**, and each of the judges shall separately try causes, exercise
5 the powers and perform all the duties imposed upon circuit judges.

6 2. **Beginning in fiscal year 2015, there shall be one additional associate circuit judge**
7 **position in the twenty-first judicial circuit. This associate circuit judgeship shall not be**
8 **included in the statutory formula for authorizing additional judgeships per county under**
9 **section 478.320.**

478.464. [1.] In the sixteenth judicial circuit, [associate circuit divisions shall hereafter
2 be numbered beginning with the number 25:

- 3 (1) Division 101 shall hereafter be division 25;
- 4 (2) Division 102 shall hereafter be division 26;
- 5 (3) Division 103 shall hereafter be division 27;
- 6 (4) Division 104 shall hereafter be division 28;
- 7 (5) Division 105 shall hereafter be division 29;
- 8 (6) Division 106 shall hereafter be division 30;
- 9 (7) Division 107 shall hereafter be division 31; and
- 10 (8) Division 108 shall hereafter be division 32.

11 2. Twelve months after construction of two new courtrooms in Independence is
12 completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit,

13 to be known as division 33. The presiding judge of such circuit shall certify to the state of
14 administration office the actual date of completion of said construction.

15 **3.] there shall be ten associate circuit judges. These judges shall sit in ten divisions,**
16 **which shall be numbered beginning with the number 25.** Divisions 25, 26, 27, 29, and 31
17 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence. **Division 34**
18 **shall sit in the location determined by the court en banc. The tenth associate circuit**
19 **judgeship shall not be included in the statutory formula for authorizing additional**
20 **associate circuit judgeships per county under section 478.320.**

478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit [consisting
2 of the county of Greene]. These judges shall sit in divisions numbered one, two, three, four and
3 five.

4 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
5 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be
6 elected in 1984.

7 **3. Beginning in fiscal year 2015, there shall be one additional associate circuit judge**
8 **in the thirty-first judicial circuit, and there shall continue to be the associate judge position**
9 **authorized in fiscal year 2014. Neither associate circuit judgeship shall be included in the**
10 **statutory formula for authorizing additional associate circuit judgeships per county under**
11 **section 478.320.**

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit [consisting
2 of the county of St. Charles]. These judges shall sit in divisions numbered one, two, three and
3 four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial
4 circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven.
5 The division five associate circuit judge position and the division seven associate circuit judge
6 position shall become circuit judge positions beginning January 1, 2007, and shall be numbered
7 as divisions five and seven.

8 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
9 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.
10 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five
11 and seven shall be elected for a six-year term in 2006.

12 3. Beginning January 1, 2007, the family court commissioner positions in the eleventh
13 judicial circuit appointed under section 487.020 shall become associate circuit judge positions
14 in all respects and shall be designated as divisions nine and ten respectively. These positions
15 may retain the duties and responsibilities with regard to the family court. The associate circuit
16 judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

17 4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh
18 judicial circuit appointed under section 478.003 shall become an associate circuit judge position
19 in all respects and shall be designated as division eleven. This position retains the duties and
20 responsibilities with regard to the drug court. Such associate circuit judge shall be elected in
21 2006 for a full four-year term. This associate circuit judgeship shall not be included in the
22 statutory formula for authorizing additional associate circuit judgeships per county under section
23 478.320.

24 **5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge**
25 **position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016.**
26 **This associate circuit judgeship shall not be included in the statutory formula for**
27 **authorizing additional circuit judgeships per county under section 478.320.**

 478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting
2 of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two
3 and three. Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth
4 judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.

5 2. The circuit judge in division two shall be elected in 1980. The circuit judges in
6 divisions one and three shall be elected in 1982. The circuit judge in division four shall be
7 elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

8 3. [The authority for a majority of judges of the thirteenth judicial circuit to appoint or
9 retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such
10 date,] **Beginning August 28, 2001**, there shall be one **more** additional associate circuit judge
11 position in Boone County than is provided pursuant to section 478.320.

478.740. 1. There shall be two circuit judges in the thirty-eighth judicial circuit.
2 **These judges shall sit in divisions numbered one and two.**

3 **2. The circuit judge in division two shall be elected in 2016, and such judicial**
4 **position shall not be considered vacant or filled until January 1, 2017. The judge in**
5 **division one shall be elected in 2018.**

 483.140. It shall be the special duty of every judge of a court of record to examine into
2 and superintend the manner in which the rolls and records of the court are made up and kept; to
3 prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the
4 business of the court; to require that the records and files be properly maintained and entries be
5 made at the proper times as required by law or supreme court rule, and that the duties of the
6 clerks be performed according to law and supreme court rule; and if any clerk fail to comply with
7 the law, the court shall proceed against him as for a misdemeanor. **The provisions of this**
8 **section shall not be construed to permit the adoption of any local court rule that grants a**

9 **judge the discretion to remove or direct the removal of any pleading, file, or**
10 **communication from a court file or record without the agreement of all parties.**

488.014. No court of record in this state, municipal division of the circuit court, or any
2 entity collecting court costs on their behalf shall be required to refund any overpayment of court
3 costs in an amount not exceeding five dollars or to collect any due court costs in an amount of
4 less than five dollars. Any such overpaid funds may be retained by the county for the operation
5 of the circuit court, **except any overpaid funds owed to a municipal division of the circuit**
6 **court may be retained by the municipality for the operation of the municipal court.**

488.026. As provided by section 56.807, there shall be assessed and collected a
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including
4 infractions, **or against any person who has pled guilty of a violation and paid a fine through**
5 **a fine collection center**, but no such surcharge shall be assessed when the costs are waived or
6 are to be paid by the state, county, or municipality or when a criminal proceeding or the
7 defendant has been dismissed by the court [or against any person who has pled guilty and paid
8 their fine pursuant to subsection 4 of section 476.385]. For purposes of this section, the term
9 "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible
10 for collecting court costs in criminal cases shall collect and disburse such amounts as provided
11 by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and
12 circuit attorneys' retirement fund.

488.305. 1. The clerk of the circuit court shall charge and collect fees for the clerk's
2 duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined
3 pursuant to sections 488.010 to 488.020.

4 2. **The clerk of the circuit court may charge and collect in cases where a**
5 **garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any**
6 **moneys collected under this subsection shall be placed in a fund to be used at the discretion**
7 **of the circuit clerk to maintain and improve case processing and record preservation.**

488.2206. 1. **In addition to all court fees and costs prescribed by law, a surcharge**
2 **of up to ten dollars shall be assessed as costs in each court proceeding filed in any court**
3 **within the thirty-first judicial circuit in all criminal cases including violations of any county**
4 **or municipal ordinance or any violation of a criminal or traffic law of the state, including**
5 **an infraction, except that no such surcharge shall be collected in any proceeding in any**
6 **court when the proceeding or defendant has been dismissed by the court or when costs are**
7 **to be paid by the state, county, or municipality. For violations of the general criminal laws**
8 **of the state or county ordinances, no such surcharge shall be collected unless it is**
9 **authorized, by order, ordinance, or resolution by the county government where the**

10 violation occurred. For violations of municipal ordinances, no such surcharge shall be
11 collected unless it is authorized, by order, ordinance, or resolution by the municipal
12 government where the violation occurred. Such surcharges shall be collected and
13 disbursed by the clerk of each respective court responsible for collecting court costs in the
14 manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of
15 the political subdivision authorizing such surcharge.

16 2. Each county or municipality shall use all funds received pursuant to this section
17 only to pay for the costs associated with the land assemblage and purchase, construction,
18 maintenance, and operation of any county or municipal judicial facility including, but not
19 limited to, debt service, utilities, maintenance, and building security. The county or
20 municipality shall maintain records identifying such operating costs, and any moneys not
21 needed for the operating costs of the county or municipal judicial facility shall be
22 transmitted quarterly to the general revenue fund of the county or municipality
23 respectively.

488.2245. 1. In addition to all other court costs for municipal ordinance violations,
2 any home rule city with more than fifty-two thousand but fewer than sixty-four thousand
3 inhabitants and located in any county with a charter form of government and with more
4 than nine hundred fifty thousand inhabitants may provide for additional court costs in an
5 amount up to ten dollars per case for each municipal ordinance violation case filed before
6 a municipal division judge or associate circuit judge.

7 2. Such cost shall be collected by the clerk and disbursed to the city at least
8 monthly. The city shall use such additional costs only for the land assemblage and
9 purchase, construction, maintenance, and upkeep of a municipal courthouse. The costs
10 collected may be pledged to directly or indirectly secure bonds for the cost of land
11 assemblage and purchase, construction, maintenance, and upkeep of the courthouse.

516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,
2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought
3 under section 290.140. An action by an employee for the payment of unpaid minimum wages,
4 unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum
5 wages or overtime compensation, and for the recovery of any amount under and by virtue of the
6 provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an
7 act of Congress, shall be brought within two years after the cause accrued.

516.350. 1. Every judgment, order or decree of any court of record of the United States,
2 or of this or any other state, territory or country, except for any judgment, order, or decree
3 awarding child support or maintenance or dividing pension, retirement, life insurance, or other
4 employee benefits in connection with a dissolution of marriage, legal separation or annulment

5 which mandates the making of payments over a period of time or payments in the future, shall
6 be presumed to be paid and satisfied after the expiration of ten years from the date of the original
7 rendition thereof, or if the same has been revived upon personal service duly had upon the
8 defendant or defendants therein, then after ten years from and after such revival, or in case a
9 payment has been made on such judgment, order or decree, and duly entered upon the record
10 thereof, after the expiration of ten years from the last payment so made, and after the expiration
11 of ten years from the date of the original rendition or revival upon personal service, or from the
12 date of the last payment, such judgment shall be conclusively presumed to be paid, and no
13 execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained
14 thereon for any purpose whatever. An action to emancipate a child, and any personal service or
15 order rendered thereon, shall not act to revive the support order.

16 2. In any judgment, order, or decree awarding child support or maintenance, each
17 periodic payment shall be presumed paid and satisfied after the expiration of ten years from the
18 date that periodic payment is due, unless the judgment has been otherwise revived as set out in
19 subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
20 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of
21 August 31, 1982.

22 3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other
23 employee benefits in connection with a dissolution of marriage, legal separation or annulment,
24 each periodic payment shall be presumed paid and satisfied after the expiration of ten years from
25 the date that periodic payment is due, unless the judgment has been otherwise revived as set out
26 in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
27 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of
28 August 28, 2001.

29 4. In any judgment, order or decree awarding child support or maintenance, payment
30 duly entered on the record as provided in subsection 1 of this section shall include recording of
31 payments or credits in the automated child support system created pursuant to chapter 454 by the
32 division of child support enforcement or payment center pursuant to chapter 454.

33 **5. Any judgment, order, or decree awarding unpaid rent may be revived upon**
34 **publication consistent with the publication requirements of section 506.160 and need not**
35 **be personally served on the defendant.**

525.040. 1. Notice of garnishment, served as provided in sections 525.010 to 525.480
2 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes,
3 drafts, checks or other choses in action of the defendant in the garnishee's possession or charge,
4 or under his **or her** control at the time of the service of the garnishment, or which may come into
5 his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between

6 that time and the time of filing his **or her** answer, **or in the case of a continuous wage**
7 **garnishment, until the judgment is paid in full or until the employment relationship is**
8 **terminated, whichever occurs first;** but he **or she** shall not be liable to a judgment in money
9 on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same
10 shall have been converted into money since the garnishment, or he **or she** [fail] **fails**, in such
11 time as the court may prescribe, to deliver them into court, or to the sheriff or other person
12 designated by the court.

13 **2. Writs of garnishment which would otherwise have equal priority shall have**
14 **priority according to the date of service on the garnishee. If the employee's wages have**
15 **been attached by more than one writ of garnishment, the employer shall inform the**
16 **inferior garnisher of the existence and case number of all senior garnishments.**

525.070. Whenever any property, effects, money or debts, belonging or owing to the
2 defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee,
3 the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying
4 or delivering the same, or so much thereof as the court shall order, to the sheriff [or] , to the
5 court, **or if applicable, to the attorney for the party on whose behalf the order of**
6 **garnishment was issued**, from all further liability on account of the property, money or debts
7 so paid or delivered.

525.080. 1. If it appear that a garnishee, at or after his or her garnishment, was possessed
2 of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation,
3 may order the delivery of such property, or the payment of the amount owing by the garnishee,
4 to the sheriff [or] , into court, **or to the attorney for the party on whose behalf the order of**
5 **garnishment was issued**, at such time as the court may direct; or may permit the garnishee to
6 retain the same, upon his or her executing a bond to the plaintiff, with security, approved by the
7 court, to the effect that the property shall be forthcoming, or the amount paid, as the court may
8 direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the
9 obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

10 **2. Notwithstanding subsection 1 of this section, when property is protected from**
11 **garnishment by state or federal law including but not limited to federal restrictions on the**
12 **garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and**
13 **Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not**
14 **be delivered to the court, or to any other person, by the garnishee to the extent such protection**
15 **or preemption is applicable.**

525.230. [1. The court shall make the garnishee a reasonable allowance] **The garnishee**
2 **may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon**
3 **between the garnishee and judgment debtor if the garnishee is a financial institution, for**

4 his or her trouble and expenses in answering the interrogatories **and withholding the funds**, to
5 be [paid out of the funds or proceeds of the property or effects confessed in his or her hands. The
6 reasonable allowances shall include any court costs, attorney's fees and any other bona fide
7 expenses of the garnishee.

8 2. The court also shall allow the garnishee, in addition to the reasonable allowance for
9 his or her trouble and expenses in answering the interrogatories, to collect an administrative fee
10 consisting of the greater of eight dollars or two percent of the amount required to be deducted
11 by any court-ordered garnishment or series of garnishments arising out of the same judgment
12 debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment
13 and paying over any garnished funds available to the court. The fee shall be withheld by the
14 employer from the employee, or by any other garnishee from any fund garnished, in addition to
15 the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against
16 the court-ordered judgment and shall be collected first] **withheld from any funds garnished,**
17 **in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall**
18 **not be a credit against the court-ordered judgment and shall be collected first. The**
19 **garnishee may file a motion with the court for additional costs, including attorney's fees,**
20 **reasonably incurred in answering the interrogatories in which case the court may make**
21 **such award as it deems reasonable. The motion shall be filed on or before the date the**
22 **garnishee makes payment or delivers property subject to garnishment to the court.**

525.310. 1. [When a judgment has been rendered against an officer, appointee or
2 employee of the state of Missouri, or any municipal corporation or other political subdivision of
3 the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the
4 court before whom the judgment was rendered, an application setting forth such facts, and that
5 the judgment debtor is employed by the state, or a municipal corporation or other political
6 subdivision of the state, with the name of the department of state or the municipal corporation
7 or other political subdivision of the state which employs the judgment debtor, and the name of
8 the treasurer, or the name and title of the paying, disbursing or auditing officer of the state,
9 municipal corporation or other political subdivision of the state, charged with the duty of
10 payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing
11 of such application the clerk shall issue a writ of sequestration directed to the sheriff or other
12 officer authorized to execute writs in the county in which such paying, disbursing or auditing
13 officer may be found and the sheriff or other officer to whom the writ is directed shall serve a
14 true copy thereof upon such paying, disbursing or auditing officer named therein, which shall
15 have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor,
16 which are not made exempt by virtue of the exemption statutes of this state and are not in excess

17 of the amount due on the judgment and costs, then due and payable, from the date of the writ to
18 the return day thereof.

19 2. The paying, disbursing or auditing officer charged with the duty of payment or audit
20 of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer
21 serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the
22 salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the
23 exemption statutes of this state, as the same shall become due to the judgment debtor. The
24 paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of
25 his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The
26 sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer
27 along with the writ sufficient information to compute the amount which shall be delivered to the
28 sheriff or officer serving the writ. Neither the state, municipal corporation or other political
29 subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the
30 payment of any amount above the amount delivered to the sheriff or officer serving the writ if
31 the computation of the amount delivered is in accordance with the information provided with the
32 writ.

33 3. The sheriff or officer serving such writ shall endorse thereon the day and date he
34 received the same, and upon receiving any amount in connection with the writ, shall issue his
35 receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the
36 sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be
37 necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the
38 same manner as in the case of garnishment under execution. The sheriff or other officer serving
39 the writ shall make his return to the writ showing the manner of serving the same, and he shall
40 be allowed the same fees therefor as provided for levy of execution, and the writ shall be
41 returnable in the same manner as the execution issued out of the court in which the judgment was
42 rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which
43 he may be entitled under the exemption laws of this state, and the same may be claimed by him
44 to the sheriff or other officer serving the writ at any time on or before the return day of the writ
45 in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff
46 or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor
47 of his exemption rights, either in person or by registered letter directed to the judgment debtor
48 to his last known address.] **The state, municipal, or other political subdivision employer**
49 **served with a garnishment shall have the same duties and obligations as those imposed**
50 **upon a private employer when served with a garnishment.**

51 **2. Pay of any officer, appointee, or employee of the state of Missouri, or any**
52 **municipal corporation or other political subdivision of the state, shall be subject to**

53 garnishment to the same extent as in any other garnishment. All garnishments against
54 such employee shall proceed in the same manner as any other garnishment.

55 3. Service of legal process to which a department, municipal corporation, or other
56 political subdivision of the state is subject under this section may be accomplished by
57 personal service upon the paying, disbursing, or auditing officer of the state, municipal
58 corporation, or other political subdivision of the state, charged with the duty of payment
59 or audit of such salary, wages, fees, or earnings of such employees.

537.602. 1. As used in this section the following terms shall mean:

2 (1) "Community service work", any work which is performed without
3 compensation and is required in exchange for deferred prosecution of any criminal charge
4 by any federal, state, or local prosecutor under a written agreement;

5 (2) "Entity", includes any person, for-profit or not-for-profit business, agency,
6 group, charity, organization, or any unit of federal, state, or local government or any of
7 their employees.

8 2. Any entity which supervises community service work performed as a
9 requirement for deferment of any criminal charge under a written agreement with a
10 federal, state, or local prosecutor, or any entity which derives benefits from the
11 performance of community service work shall be immune from any suit by the person
12 performing the community service work or by any person deriving a cause of action from
13 the person performing the community service work if that cause of action arises from the
14 supervision of the work performed, except that the entity supervising the work shall not
15 be immune from any suit for gross negligence or for an intentional tort.

16 3. Community service work shall not be deemed employment within the meaning
17 of the provisions of chapter 288 and a person performing community service work under
18 the provisions of this section shall not be deemed an employee within the meaning of the
19 provisions of chapter 287.

574.160. 1. A person commits the offense of unlawful funeral protest if he or she
2 pickets or engages in other protest activities within three hundred feet of any residence,
3 cemetery, funeral home, church, synagogue, or other establishment during or within one
4 hour before or one hour after the conducting of any actual funeral or burial service at that
5 place.

6 2. For purposes of this section, "other protest activities" means any action that is
7 disruptive or undertaken to disrupt or disturb a funeral or burial service.

8 3. For purposes of this section, "funeral" and "burial service" mean the ceremonies
9 and memorial services held in conjunction with the burial or cremation of the dead, but

10 this section does not apply to processions while they are in transit beyond any three-
11 hundred-foot zone that is established under subsection 1 of this section.

12 4. The offense of unlawful funeral protest is a class B misdemeanor, unless
13 committed by a person who has previously been found guilty of a violation of this section,
14 in which case it is a class A misdemeanor.

575.153. 1. A person commits the crime of disarming a peace officer, as defined in
2 section [590.100] **590.010**, or a correctional officer if such person intentionally:

3 (1) Removes a firearm [or other] , deadly weapon, **or less-lethal weapon, to include**
4 **blunt impact, chemical or conducted energy devices, used in the performance of his or her**
5 **official duties** from the person of a peace officer or correctional officer while such officer is
6 acting within the scope of his or her official duties; or

7 (2) Deprives a peace officer or correctional officer of such officer's use of a firearm [or]
8 , deadly weapon, **or any other equipment described in subdivision (1) of this subsection**
9 while the officer is acting within the scope of his or her official duties.

10 2. The provisions of this section shall not apply when:

11 (1) The defendant does not know or could not reasonably have known that the person
12 he or she disarmed was a peace officer or correctional officer; or

13 (2) The peace officer or correctional officer was engaged in an incident involving
14 felonious conduct by the peace officer or correctional officer at the time the defendant disarmed
15 such officer.

16 3. Disarming a peace officer or correctional officer is a class C felony.

632.520. 1. For purposes of this section, the following terms mean:

2 (1) "Employee of the department of mental health", a person who is an employee
3 of the department of mental health, an employee or contracted employee of a subcontractor
4 of the department of mental health, or an employee or contracted employee of a
5 subcontractor of an entity responsible for confining offenders as authorized by section
6 **632.495;**

7 (2) "Offender", a person ordered to the department of mental health after a
8 determination by the court that the person meets the definition of a sexually violent
9 predator, a person ordered to the department of mental health after a finding of probable
10 cause under section 632.489, or a person committed for control, care, and treatment by the
11 department of mental health under sections 632.480 to 632.513;

12 (3) "Secure facility", a facility operated by the department of mental health or an
13 entity responsible for confining offenders as authorized by section 632.495.

14 **2. No offender shall knowingly commit violence to an employee of the department**
15 **of mental health or to another offender housed in a secure facility. Violation of this**
16 **subsection shall be a class B felony.**

17 **3. No offender shall knowingly damage any building or other property owned or**
18 **operated by the department of mental health. Violation of this subsection shall be a class**
19 **C felony.**

 650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation
2 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the
3 fund in accordance with sections 30.170 and 30.180. [Beginning with the 2010 fiscal year and
4 in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the
5 cyber crime investigation fund.] The department of public safety shall be the administrator of
6 the fund. Moneys in the fund shall be used solely for the administration of the grant program
7 established under this section. Notwithstanding the provisions of section 33.080 to the contrary,
8 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as
10 other funds are invested. Any interest and moneys earned on such investments shall be credited
11 to the fund.

12 2. The department of public safety shall create a program to distribute grants to
13 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional
14 enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes
15 against children, and other law enforcement agencies. The program shall be funded by the cyber
16 crime investigation fund created under subsection 1 of this section. Not more than three percent
17 of the money in the fund may be used by the department to pay the administrative costs of the
18 grant program. The grants shall be awarded and used to pay the salaries of detectives and
19 computer forensic personnel whose focus is investigating Internet sex crimes against children,
20 including but not limited to enticement of a child, possession or promotion of child pornography,
21 provide funding for the training of law enforcement personnel and prosecuting and circuit
22 attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary
23 equipment, supplies, and services. The funding for such training may be used to cover the travel
24 expenses of those persons participating.

25 3. A panel is hereby established in the department of public safety to award grants under
26 this program and shall be comprised of the following members:

27 (1) The director of the department of public safety, or his or her designee;

28 (2) Two members [shall be] appointed by the director of the department of public safety
29 from a list of six nominees submitted by the Missouri Police Chiefs Association;

30 (3) Two members [shall be] appointed by the director of the department of public safety
31 from a list of six nominees submitted by the Missouri Sheriffs' Association;

32 (4) Two members of the state highway patrol [shall be] appointed by the director of the
33 department of public safety from a list of six nominees submitted by the Missouri State Troopers
34 Association;

35 (5) One member of the house of representatives [who shall be] appointed by the speaker
36 of the house of representatives; and

37 (6) One member of the senate [who shall be] appointed by the president pro tem.
38

39 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection
40 shall serve a four-year term ending four years from the date of expiration of the term for which
41 his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the
42 expiration of such a term shall be appointed for the remainder of the term. Such members shall
43 hold office for the term of his or her appointment and until a successor is appointed. The
44 members of the panel shall receive no additional compensation but shall be eligible for
45 reimbursement for mileage directly related to the performance of panel duties.

46 4. Local matching amounts, which may include new or existing funds or in-kind
47 resources including but not limited to equipment or personnel, are required for
48 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement
49 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state
50 appropriations process or by the panel.

51 5. When awarding grants, priority should be given to newly hired detectives and
52 computer forensic personnel.

53 6. The panel shall establish minimum training standards for detectives and computer
54 forensic personnel participating in the grant program established in subsection 2 of this section.

55 7. Multijurisdictional Internet cyber crime law enforcement task forces and other law
56 enforcement agencies participating in the grant program established in subsection 2 of this
57 section shall share information and cooperate with the highway patrol and with existing Internet
58 crimes against children task force programs.

59 8. The panel may make recommendations to the general assembly regarding the need for
60 additional resources or appropriations.

61 9. The power of arrest of any peace officer who is duly authorized as a member of a
62 multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during
63 the time such peace officer is an active member of such task force and only within the scope of
64 the investigation on which the task force is working. Notwithstanding other provisions of law
65 to the contrary, such task force officer shall have the power of arrest, as limited in this

66 subsection, anywhere in the state and shall provide prior notification to the chief of police of a
67 municipality or the sheriff of the county in which the arrest is to take place. If exigent
68 circumstances exist, such arrest may be made and notification shall be made to the chief of police
69 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work
70 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option
71 when such task force is operating within the jurisdiction of such chief of police or sheriff.

72 10. Under section 23.253 of the Missouri sunset act:

73 (1) The provisions of the new program authorized under this section shall [sunset
74 automatically six years after June 5, 2006] **be reauthorized on August 28, 2014, and shall**
75 **expire on December 31, 2024**, unless reauthorized by an act of the general assembly; and

76 (2) If such program is reauthorized, the program authorized under this section shall
77 sunset automatically twelve years after the effective date of the reauthorization of this section;
78 and

79 (3) This section shall terminate on September first of the calendar year immediately
80 following the calendar year in which the program authorized under this section is sunset.

81

2 [476.445. 1. Any commissioner of the supreme court or commissioner
3 of a court of appeals who is unable to discharge the duties of his office with
4 efficiency by reason of continued sickness or physical or mental infirmity shall
5 be retired from office upon the en banc order of the court appointing him.

6 2. No order retiring a commissioner shall be entered without the
7 commissioner involved having been given due notice and an opportunity to be
8 heard and without a finding by a majority of the court involved that the
9 commissioner's disability is permanent.

10 3. Any commissioner retired under the provisions of this section shall
11 receive as compensation during such retirement and until the end of the term for
12 which he was appointed a sum equal to one-half of the regular compensation for
13 that office.

14 4. Any commissioner retired under the provisions of this section shall not
15 be eligible to be made, constituted and appointed a special commissioner as
16 provided in sections 476.450 to 476.510 (nor to receive the compensation
17 provided therefor by sections 476.450 to 476.510) during the period of his
18 retirement under the provisions of this section but upon the completion of such
19 period he shall be and become eligible to be made, constituted and appointed a
20 special commissioner as provided in sections 476.450 to 476.510 if he be
21 otherwise qualified as to age and length of service.]

2 [477.081. From January 1, 1972, no new commissioner shall be
appointed by the supreme court or the court of appeals. All commissioners

3 serving on January 1, 1972, are eligible for reappointment for additional four-year
4 terms until they reach compulsory retirement age, or die, resign or are removed.
5 Each commissioner shall possess the same qualifications, take and subscribe a
6 like oath, and receive the same compensation payable in the same manner as
7 judges of the court appointing them. The commissioners are subject to the rules
8 and orders of the court appointing them and shall provide such services as the
9 court may require.]

10

2 [477.082. From January 1, 1972, the commissioners of the supreme
3 court, in addition to their other duties, by order of the supreme court, may be
4 temporarily assigned for the performance of judicial duties as special judges of
5 the supreme court, of any district of the court of appeals, or of any circuit court
6 when their services are required for the prompt and efficient administration of
7 justice. During such temporary assignments, subject to the supervision of the
8 regular judge or judges of the court, the commissioners shall exercise the same
9 powers, duties, and responsibilities as are vested by law in the regular judges of
10 the court to which they are assigned.]

10

2 [477.152. Whenever a vacancy occurs after September 3, 1970, in the
3 office of commissioner of the supreme court, a judge shall be appointed in the
4 manner prescribed by sections 25(a)-(g), article V of the Constitution of Missouri
5 to serve on the court of appeals. Appointments under this section shall be made
6 to the districts of the court of appeals in the following order: eastern, western,
7 southern, eastern, western, eastern.]

7

2 [477.181. 1. On July 1, 1979, the number of judges of the southern
3 district of the court of appeals shall be increased by one judge.

3 2. The judge appointed pursuant to the provisions of this section shall be
4 in addition to any other judges appointed to the southern district of the court of
5 appeals pursuant to other provisions of law.]

6

2 [477.190. The judgeships authorized by sections 477.160, 477.170 and
3 477.180 shall be in addition to those newly authorized after January 1, 1978, by
4 the provisions of section 477.152 or by any other law enacted at or after the
5 second regular session of the seventy-ninth general assembly.]

5

2 [477.191. 1. On January 1, 1979, the western district of the Missouri
3 court of appeals shall be increased by three judges.

3 2. The judges appointed pursuant to the provisions of this section shall
4 be in addition to any other judges appointed to the western district of the
5 Missouri court of appeals under the provisions of any other law.]

6

[578.501. 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.]

[578.502. 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For purposes of this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.]

[578.503. The enactment of section 578.502 shall become effective only on the date the provisions of section 578.501 are finally declared void or unconstitutional by a court of competent jurisdiction and upon notification by the attorney general to the revisor of statutes.]

Section B. The repeal and reenactment of sections 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective on January 15, 2015.

Section C. Because of the necessity of constitutionally protected expedient access to the courts and ensuring the continued efficient administration of justice, the repeal and reenactment of sections 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section 478.740 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and the repeal and reenactment of sections 478.320, 478.437, 478.464, 478.513,

7 and 478.600, and the enactment of section 478.740 of this act shall be in full force and effect
8 upon its passage and approval.

✓

Speaker of the House

President Pro Tem of the Senate

Governor