

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 621

97TH GENERAL ASSEMBLY

2014

4246S.08T

AN ACT

To repeal sections 3.010, 3.066, 3.090, 56.110, 67.320, 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures, with penalty provisions and 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 3.010, 3.066, 3.090, 56.110, 67.320, 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 3.010, 3.066, 3.090, 21.880, 56.110, 57.095, 67.320, 408.040, 447.534, 447.560, 447.584, 452.556, 456.4-420, 474.395, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 478.740, 488.305, 488.2206, 525.040, 525.070, 525.080, 525.230, 525.310, 632.480, 632.483, 632.484, and 650.120, to read as follows:

3.010. [As soon as possible after the final adjournment of the seventieth general assembly and at least every ten years thereafter] **Only upon the adoption of a concurrent resolution by the general assembly**, the revised statutes of Missouri shall be printed, published and distributed in as many

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 volumes as the committee on legislative research (herein called "the committee")
6 shall determine, and such publication shall be under the direction and
7 supervision of the committee. The annotations **or supplements** may be printed
8 separately **and without a concurrent resolution being adopted by the**
9 **general assembly**. The cost of printing, binding and delivery of such
10 publication shall be paid from funds appropriated from the general revenue for
11 that purpose.

3.066. 1. When the Missouri supreme court or a federal court with
2 competent jurisdiction makes a final ruling that a bill enacted by the Missouri
3 general assembly or a Missouri state statute or any portion of a Missouri state
4 statute contained in a bill enacted by the Missouri general assembly is
5 unconstitutional on procedural grounds, the Missouri revisor of statutes shall:

6 (1) For a repealed statute or an amended statute contained in such bill,
7 reprint the statute as it existed in the revised statutes of Missouri prior to the
8 enactment of the bill that the court declared unconstitutional;

9 (2) For a new statute contained in such bill, remove the new statute from
10 the revised statutes of Missouri, if necessary, and publish only a footnote calling
11 attention to the ruling of the court explaining the reason for the removal of such
12 statute from the revised statutes of Missouri.

13 **2. When a state or federal court with competent jurisdiction**
14 **issues a permanent order enjoining a bill enacted by the Missouri**
15 **general assembly or a Missouri state statute or any portion of a**
16 **Missouri state statute contained in a bill enacted by the Missouri**
17 **general assembly as unconstitutional on procedural grounds, the**
18 **Missouri attorney general shall notify the Missouri revisor of statutes**
19 **of any such order and the Missouri revisor of statutes shall publish a**
20 **footnote to each affected section calling attention to the ruling of the**
21 **court on any official website of the committee on legislative**
22 **research. Such footnote shall remain until such time as a final ruling**
23 **is made by the Missouri supreme court or a federal court with**
24 **competent jurisdiction, and at such time, the Missouri revisor shall**
25 **remove such footnote and, if necessary, shall update such website in**
26 **like manner as provided in subsection 1 of this section.**

3.090. 1. The revisor of statutes shall supervise the printing and
2 publication of all editions of the revised statutes of Missouri and all supplements
3 and pocket parts thereto. [He] **The revisor** shall proofread and compare all

4 copies of laws appearing in the revised statutes of Missouri and supplement or
5 pocket parts thereto and supervise the correction thereof to ensure that all such
6 copies are true and correct copies of the existing laws of this state according to
7 the original rolls thereof with only such variations in the language thereof as are
8 authorized by section 3.060.

9 2. When any volume of any edition of the revised statutes of Missouri, or
10 any supplement or any edition of pocket parts thereto is printed and published
11 the revisor of statutes shall certify that all laws printed therein have been
12 examined and compared as required by this section and that the same are true
13 and correct copies thereof as passed and remaining in the office of the secretary
14 of state, and that the revised statutes, supplement or pocket part thereto, as thus
15 published, and all laws as therein contained, are true copies of the existing laws
16 of the state of Missouri, of a general nature. [He] **The revisor** shall deposit a
17 copy of each volume of the revised statutes, supplement or pocket part, so
18 certified, in the secretary's office, which shall be prima facie evidence of such
19 statutes. The certificate shall be printed in each copy of the revised statutes,
20 supplement or pocket part, and every copy so printed containing the certificate
21 may be used in evidence without other or further proof of authentication.

22 **3. The revisor of statutes shall supervise the publication of the**
23 **revised statutes on any official website of the committee on legislative**
24 **research. Such supervision shall comply with the provisions of**
25 **subsection 1 of this section to ensure that a true and correct copy of**
26 **the existing laws of this state are placed on such website. However, the**
27 **online version of the revised statutes on any official website of the**
28 **committee on legislative research shall not be considered an official**
29 **version of the revised statutes, unless the revisor of statutes chooses to**
30 **certify it as such and places a certificate on the website. The revisor**
31 **shall periodically update such website as new laws are enacted,**
32 **including an update of the website on the effective date of any section**
33 **that becomes law.**

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

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

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

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

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

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

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

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

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

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

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

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

38 **(1) Review and monitor:**

39 **(a) The state's justice system;**

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

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

43 **(d) All state government efforts related to terrorism,**

44 **bioterrorism, and homeland security;**

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

48 **(3) Conduct an ongoing study and analysis of the state's justice**
49 **system and related issues;**

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

52 **(5) Make any recommendations to the general assembly for**
53 **legislative action; and**

54 **(6) Perform other duties authorized by concurrent resolution of**
55 **the general assembly.**

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

6. The joint committee shall establish a permanent subcommittee
2 **on the Missouri criminal code, which shall conduct and supervise a**
3 **continuing program of revision designed to maintain the cohesiveness,**
4 **consistency, and effectiveness of the criminal laws of the state. In**
5 **connection with this program, the committee may select an advisory**
6 **committee on the Missouri criminal code, composed of a representative**
7 **of the Missouri supreme court, a representative of the office of the**
8 **attorney general, and other individuals known to be interested in the**
9 **improvement of the state's criminal laws, and may authorize the**
10 **payment of any actual and necessary expenses incurred by such**
11 **members while attending meetings with the committee or the**
12 **subcommittee on the Missouri criminal code. The subcommittee on the**
13 **Missouri criminal code shall present to the general assembly in each**
14 **tenth year such criminal code revision bills as it finds appropriate to**
15 **accomplish its purpose.**

16 **7. The joint committee may make reasonable requests for staff**
17 **assistance from the research and appropriations staffs of the senate**
18 **and house and the joint committee on legislative research, and may**
19 **employ such personnel as it deems necessary to carry out the duties**
20 **imposed by this section, within the limits of any appropriation for such**
21 **purpose. In the performance of its duties, the committee may request**

22 assistance or information from all branches of government and state
23 departments, agencies, boards, commissions and offices.

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

56.110. If the prosecuting attorney and assistant prosecuting attorney be
2 interested or shall have been employed as counsel in any case where such
3 employment is inconsistent with the duties of his **or her** office, or shall be
4 related to the defendant in any criminal prosecution, either by blood or by
5 marriage, the court having criminal jurisdiction may appoint some other attorney
6 to prosecute or defend the cause. **Such special prosecutor shall not**
7 **otherwise represent a party other than the state of Missouri in any**
8 **criminal case or proceeding in that circuit for the duration of that**
9 **appointment and shall be considered an appointed prosecutor for**
10 **purposes of section 56.360.**

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

67.320. 1. Any county [of the first classification with more than one
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
3 two hundred] **with a charter form of government and with more than two**
4 **hundred thousand but fewer than three hundred fifty thousand**
5 inhabitants or any county of the first classification with more than one hundred
6 one thousand but fewer than one hundred fifteen thousand inhabitants may
7 prosecute and punish violations of its county orders in the circuit court of such
8 counties in the manner and to the extent herein provided or in a county
9 municipal court if creation of a county municipal court is approved by order of the
10 county commission. The county may adopt orders with penal provisions
11 consistent with state law, but only in the areas of traffic violations, solid waste
12 management, county building codes, on-site sewer treatment, zoning orders, and
13 animal control. Any county municipal court established pursuant to the

14 provisions of this section shall have jurisdiction over violations of that county's
15 orders and the ordinances of municipalities with which the county has a contract
16 to prosecute and punish violations of municipal ordinances of the municipality.

17 2. Except as provided in subsection 5 of this section in any county which
18 has elected to establish a county municipal court pursuant to this section, the
19 judges for such court shall be appointed by the county commission of such county,
20 subject to confirmation by the legislative body of such county in the same manner
21 as confirmation for other county appointed officers. The number of judges
22 appointed, and qualifications for their appointment, shall be established by order
23 of the commission.

24 3. The practice and procedure of each prosecution shall be conducted in
25 compliance with all of the terms and provisions of sections 66.010 to 66.140,
26 except as provided for in this section.

27 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be
28 synonymous with the term order for purposes of this section.

29 5. In any county of the first classification with more than one hundred one
30 thousand but fewer than one hundred fifteen thousand inhabitants, the first
31 judges shall be appointed by the county commission for a term of four years, and
32 thereafter the judges shall be elected for a term of four years. The number of
33 judges appointed, and qualifications for their appointment, shall be established
34 by order of the commission.

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

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

15 [2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section,

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

- 31 (1) Be in writing and sent by certified mail return receipt requested; and
- 32 (2) Be accompanied by an affidavit of the claimant describing the nature
33 of the claim, the nature of any injuries claimed and a general computation of any
34 category of damages sought by the claimant with supporting documentation, if
35 any is reasonably available; and
- 36 (3) For wrongful death, personal injury, and bodily injury claims, be
37 accompanied by a list of the names and addresses of medical providers who have
38 provided treatment to the claimant or decedent for such injuries, copies of all
39 reasonably available medical bills, a list of employers if the claimant is seeking
40 damages for loss of wages or earning, and written authorizations sufficient to
41 allow the party, its representatives, and liability insurer if known to the claimant
42 to obtain records from all employers and medical care providers; and
- 43 (4) Reference this section and be left open for ninety days.

44 Unless the parties agree in writing to a longer period of time, if the claimant fails
45 to file a cause of action in circuit court prior to a date one hundred twenty days
46 after the demand or offer was received, then the court shall not award
47 prejudgment interest to the claimant. If the claimant is a minor or incompetent
48 or deceased, the affidavit may be signed by any person who reasonably appears
49 to be qualified to act as next friend or conservator or personal representative. If
50 the claim is one for wrongful death, the affidavit may be signed by any person
51 qualified pursuant to section 537.080 to make claim for the death. Nothing

52 contained herein shall limit the right of a claimant, in actions other than tort
53 actions, to recover prejudgment interest as otherwise provided by law or contract.

54 [3.] 4. In tort actions, a judgment for prejudgment interest awarded
55 pursuant to this [subsection] **section** should bear interest at a per annum
56 interest rate equal to the intended Federal Funds Rate, as established by the
57 Federal Reserve Board, plus three percent. The judgment shall state the
58 applicable interest rate, which shall not vary once entered.

447.534. 1. **Notwithstanding the provisions of subsection 2 of
2 section 447.532, section 447.533, and subsection 1 of section 447.545,
3 United States savings bonds which are unclaimed property and subject
4 to the provisions of sections 447.500 to 447.595 shall be deemed
5 abandoned when they have remained unclaimed for more than three
6 years after their date of maturity and such bonds and the proceeds
7 from such bonds, including all principal and interest due, in the
8 possession of the treasurer or with an owner whose last known address
9 is located in Missouri shall escheat to the state of Missouri three years
10 after becoming unclaimed property by virtue of the provisions of
11 sections 447.500 to 447.595 and all property rights and legal title to and
12 ownership of such United States savings bonds and the proceeds from
13 such bonds, including all rights, powers, and privileges of survivorship
14 of any owner, co-owner, or beneficiary, shall vest solely in the state of
15 Missouri according to the procedure set forth as follows:**

16 (1) **After one hundred eighty days following the second three
17 year period referenced in this subsection, if no claim has been
18 approved in accordance with the provisions of section 447.562 for such
19 United States savings bonds or proceeds from such bonds, the treasurer
20 shall commence a civil action in the circuit court of Cole County for a
21 determination that such United States savings bonds and the proceeds
22 from such bonds shall escheat to the state of Missouri. The treasurer
23 may postpone the bringing of such action until sufficient United States
24 savings bonds have accumulated in the treasurer's custody to justify
25 the expense of such proceedings;**

26 (2) **If no person shall file a claim or appear at the hearing to
27 substantiate a claim or where the court determines that a claimant is
28 not entitled to the United States savings bonds or proceeds from such
29 bonds claimed by such claimant, then the court, if satisfied by evidence
30 that the treasurer has substantially complied with the laws of the state**

31 of Missouri, shall enter a judgment that the subject United States
32 savings bonds and the proceeds from such bonds have escheated to the
33 state of Missouri, and all property rights and legal title to and
34 ownership of such United States savings bonds and the proceeds from
35 such bonds, including all rights, powers, and privileges of survivorship
36 of any owner, co-owner, or beneficiary, shall vest solely in the state of
37 Missouri;

38 (3) The treasurer shall redeem such United States savings bonds
39 escheated to the state of Missouri and the proceeds from such
40 redemption of United States savings bonds shall be deposited in the
41 abandoned fund account created by section 447.543.

42 2. Any person making a claim for the United States savings
43 bonds escheated to the state of Missouri, or for the proceeds from such
44 bonds, may file a claim in accordance with the provisions of section
45 447.562. Upon providing sufficient proof of the validity of such person's
46 claim, the treasurer may pay such claim in accordance with the
47 provisions of section 447.565.

447.560. 1. The treasurer shall retain a record of the name and last
2 known address of each person appearing from the holders' reports to be entitled
3 to the abandoned moneys and property and of the name and last known address
4 of each insured person or annuitant, and with respect to each policy or contract
5 listed in the report of a life insurance corporation, its number, the name of the
6 corporation, and the amount due. The record shall be available for public
7 inspection at all reasonable business hours.

8 2. Except as specifically provided by this section, no information furnished
9 to the treasurer in the holder reports, including Social Security numbers or other
10 identifying information, shall be open to public inspection or made public. Any
11 officer, employee or agent of the treasurer who, in violation of the provisions of
12 this section, divulges, discloses or permits the inspection of such information shall
13 be guilty of a misdemeanor.

14 3. If an amount is turned over to the state that is less than fifty dollars,
15 the amount reported may be made available as public information, along with the
16 name and last known address of the person appearing from the holder report to
17 be entitled to the abandoned moneys; except that, no additional information other
18 than provided for in this section may be released, and any individual other than
19 the person appearing from the holder report to be entitled to the abandoned

20 moneys shall be governed by sections 447.500 to 447.595 and other applicable
21 Missouri law in his or her use or dissemination of such information.

22 4. If the abandoned property is a military medal, the treasurer is
23 authorized to make any information, other than Social Security numbers,
24 contained in the holder report and record under subsection 1 of this section, and
25 any photograph or other visual depiction of the military medal available to the
26 public in order to facilitate the identification of the original owner or such owner's
27 respective heirs or beneficiaries as described under subdivision (4) of section
28 447.559.

29 **5. The treasurer shall retain a record of the name and, if known,**
30 **the last known address of each person named on the United States**
31 **savings bonds which have escheated to the state of Missouri and which**
32 **have been redeemed by the treasurer under section 447.534. The record**
33 **shall be made public and available for public inspection at all**
34 **reasonable business hours. In addition, if a United States savings bond**
35 **is redeemed in an amount that is less than fifty dollars, the amount**
36 **redeemed may be made available as public information. No other**
37 **information furnished to the treasurer in regard to such United States**
38 **savings bonds, including Social Security numbers or other identifying**
39 **information shall be open to public inspection or made public. Any**
40 **officer, employee or agent of the treasurer who, in violation of the**
41 **provisions of this section, divulges, discloses, or permits the inspection**
42 **of such information shall be guilty of a misdemeanor.**

447.584. The treasurer, with the approval of the governor, may enter into
2 agreements with any person, firm or corporation to assist in the identification,
3 collection, and processing of abandoned **or escheated** property held by any
4 business entity domiciled and located in another state **or any governmental**
5 **entity**. The treasurer may agree to pay a fee for such services based in whole or
6 in part on a percentage of the value of any property received pursuant to such
7 agreements. Any expenses paid pursuant to this section may not be deducted
8 from the amount subject to claim [by the owner] under sections 447.500 to
9 447.595.

452.556. 1. The state courts administrator shall create a handbook or be
2 responsible for 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

5 education, 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
8 temporary physical custody;
9 (5) The underlying assumptions for supreme court rules relating to child
10 support; and
11 (6) A party's duties and responsibilities pursuant to section 452.377,
12 including the possible consequences of not complying with section 452.377. The
13 handbooks shall be distributed to each court and shall be available in an
14 alternative format, including Braille, large print, or electronic or audio format
15 upon request by a person with a disability, as defined by the federal Americans
16 with Disabilities Act.

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

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

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

8 **2. The petition described in subsection 1 of this section shall be
9 verified under oath. The petition may be filed by an interested person
10 either as a separate judicial proceeding, or brought with other claims
11 for relief in a single judicial proceeding, all in the manner prescribed
12 generally for such proceedings under this chapter. If a petition is
13 joined with other claims for relief, the court shall enter its order or
14 judgment on the petition before proceeding any further with any other
15 claim for relief joined therein. In ruling on such a petition, the court**

16 shall consider the text of the clause, the context to the terms of the
17 trust instrument as a whole, and in the context of the verified factual
18 allegations in the petition. No evidence beyond the pleadings and the
19 trust instrument shall be taken except as required to resolve an
20 ambiguity in the no-contest clause.

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

33 4. An order or judgment, in whole or in part, on a petition
34 described in subsection 1 of this section shall result in the no-contest
35 clause being enforceable to the extent of the court's ruling, and shall
36 govern application of the no-contest clause to the extent that the
37 interested person then proceeds forward with the claims described
38 therein. In the event such an interlocutory order or judgment is
39 vacated, reversed, or otherwise modified on appeal, no interested
40 person shall be prejudiced by any reliance, through action, inaction or
41 otherwise, on the order or judgment prior to final disposition of the
42 appeal.

43 5. An order or judgment shall have effect only as to the specific
44 trust terms and factual basis recited in the petition. If claims are later
45 filed that are materially different than those upon which the order or
46 judgment is based, then to the extent such new claims are raised, the
47 party in whose favor the order or judgment was entered shall have no
48 protection from enforcement of the no-contest clause otherwise
49 afforded by the order and judgment entered under this section.

50 6. For purposes of this section, a "no-contest clause" shall mean
51 a provision in a trust instrument purporting to rescind a donative
52 transfer to, or a fiduciary appointment of, any person, or that otherwise

53 effects a forfeiture of some or all of an interested person's beneficial
54 interest in a trust estate as a result of some action taken by the
55 beneficiary. This definition shall not be construed in any way as
56 determining whether a no-contest clause is enforceable under
57 applicable law and public policy in a particular factual situation. As
58 used in this section, the term "no-contest clause" shall also mean an "in
59 terrorem clause".

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

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

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

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

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

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

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

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

84 8. In any proceeding brought under this section, the court may
85 award costs, expenses, and attorneys' fees to any party, as provided in
86 section 456.10-1004.

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

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

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

476.001. An efficient, well operating and productive judiciary is essential
2 to the preservation of the people's liberty and prosperity. In order to achieve this
3 goal, the general assembly and the supreme court must constantly be aware of
4 the operations, needs, strengths and weaknesses of the judicial system. It is the
5 purpose of sections 476.001, **476.055, 476.330 to 476.380**, 476.412, [476.415 and]
6 476.681, **and 477.405** to provide the general assembly and the supreme court
7 with the mechanisms to obtain on a continuing basis a comprehensive analysis
8 of judicial resources and an efficient and organized method of identifying the
9 problems and needs as they occur. It is the further purpose of sections 476.001,
10 **476.055, 476.330 to 476.380**, 476.412, [476.415 and] 476.681, **477.405, 478.073,**
11 **478.320, and subdivision (12) of subsection 1 of section 600.042** to provide
12 a system for the efficient allocation of available personnel, facilities and resources
13 to achieve a uniform and effective operation of the judicial system.

476.320. There is hereby established "The Judicial Conference of the State
2 of Missouri". The conference shall consist of the judges [and commissioners] of
3 the supreme court and of the court of appeals, the circuit judges, associate circuit
4 judges, family court commissioners, the commissioners of the juvenile division of
5 the circuit courts, and all judges and commissioners who have retired under any
6 of the provisions of sections 476.450 to 476.595 heretofore or hereafter in
7 effect. The chief justice of the supreme court, or in his absence the vice president

8 elected by the executive council, shall be the presiding officer.

476.330. The conference shall meet on the call of the chief justice. A
2 meeting shall be called at least once [a] **every odd-numbered** year at some
3 convenient time and place in the state. It shall be the duty of all members of the
4 conference to attend such [annual] meeting.

476.340. 1. The governing body of the conference, between [annual]
2 sessions, shall be the executive council. The executive council shall consist of the
3 following members:

4 (1) The chief justice of the supreme court, or some member of the supreme
5 court appointed by him;

6 (2) Two other members of the supreme court appointed by the supreme
7 court;

8 (3) One member of each district of the court of appeals elected by the
9 judges thereof, respectively;

10 (4) Eight circuit judges, other than judges of the probate division, three
11 of whom shall be elected for three-year terms, one from each district of the court
12 of appeals, by the circuit judges, other than judges of the probate division, of the
13 district to represent each of the districts of the court of appeals, respectively. A
14 judge whose circuit is in part in more than one district of the court of appeals
15 may vote in and be elected to represent either district but not both. Five of the
16 circuit judges on the council shall be elected for three-year terms by the circuit
17 judges of the state;

18 (5) One judge of the probate division of circuit courts in counties having
19 a population of more than thirty thousand inhabitants elected for a three-year
20 term by the judges of the probate divisions of the circuit courts in such counties;

21 (6) Three associate circuit judges elected for three-year terms, one from
22 each district of the court of appeals, by the associate circuit judges of the district
23 to represent each of the districts of the court of appeals, respectively;

24 (7) Three other associate circuit judges elected for three-year terms by the
25 associate circuit judges of the state;

26 (8) One associate circuit judge from counties having a population of thirty
27 thousand inhabitants or less elected for a three-year term by the associate circuit
28 judges in such counties;

29 (9) One retired judge or commissioner who is a member of the judicial
30 conference elected for a three-year term by such judges and commissioners.

31 Members of the executive council on August 28, 2003, shall serve out their terms

32 and their replacements shall be elected under the provisions of this
33 section. Vacancies shall be filled for the unexpired term of any member as
34 provided by resolution of the judicial conference.

35 2. The executive council shall have general supervision of the work of the
36 conference and such other duties and authority as may be given to it under rules
37 or resolutions adopted by the conference. The members of the executive council
38 shall elect one of its members vice president to act in the absence of the chief
39 justice.

478.240. 1. The presiding judge of each circuit which is provided by
2 subsection 3 of section 15 of article V of the constitution shall be selected for a
3 two-year term. The circuit and associate circuit judges in each circuit shall select
4 by secret ballot a circuit judge from their number to serve as presiding
5 judge. Selection and removal procedures, not inconsistent with the rules of the
6 supreme court, may be provided by local court rule. If a presiding judge is
7 disqualified from acting as a judicial officer pursuant to the constitution, article
8 V, section 24, the circuit judges and associate circuit judges of the circuit shall
9 select a circuit judge as presiding judge. If the circuit does not have an eligible
10 judge to be elected presiding judge, then the chief justice of the supreme court
11 may designate an acting presiding judge until a successor is chosen or until the
12 disability of the presiding judge terminates.

13 2. Subject to the authority of the supreme court and the chief justice
14 under article V of the constitution, the presiding judge of the circuit shall have
15 general administrative authority over all judicial personnel and court officials in
16 the circuit, including the authority to assign any judicial or court personnel
17 anywhere in the circuit, and shall have the authority to assign judges to hear
18 such cases or classes of cases as the presiding judge may designate, and to assign
19 judges to divisions. Such assignment authority shall include the authority to
20 authorize particular associate circuit judges to hear and determine cases or
21 classes of cases. By this subsection the presiding judge shall not, however, be
22 authorized to make the following assignments:

23 (1) Assignment of a municipal judge to hear any case other than to
24 initially hear a municipal ordinance violation case of the municipality which
25 makes provision for such municipal judge, except that the presiding judge of a
26 circuit may assign a municipal judge of a municipality within the circuit to hear
27 and determine municipal ordinance violations in a court of another municipality
28 within the circuit if the municipality to which the judge is especially assigned by

29 the presiding judge has made provision for the compensation of such judge;

30 (2) Assignment of a judge to hear the trial of a felony case when he **or**
31 **she** has previously conducted the preliminary hearing in that case, **unless the**
32 **defendant has signed a written waiver permitting the same judge to**
33 **hear both the preliminary hearing and the trial, or unless the**
34 **defendant has indicated on the record that the defendant is permitting**
35 **the same judge to hear both the preliminary hearing and the trial;**

36 (3) Assignment of a case to a judge contrary to provisions of supreme
37 court rules or local circuit court rules; and

38 (4) Assignment of a case or class of cases not within the class of cases
39 specified in section 472.020, to a circuit judge who is also judge of the probate
40 division and who was on January 1, 1979, a probate judge shall only be with the
41 consent of such judge of the probate division.

42 3. If any circuit judge or associate circuit judge shall proceed to hear and
43 determine any case or class of cases which has not been assigned to him **or her**
44 by the presiding judge pursuant to subsection 1 or 2 of this section, or to which
45 he **or she** had not been transferred by the chief justice of the supreme court, or
46 in the event the purported assignment to him **or her** shall be determined to be
47 defective or deficient in any manner, any order or judgment he **or she** may have
48 entered may be set aside, as otherwise provided by rule or by law, and the judge
49 may be subject to discipline under article V, section 24 of the Missouri
50 Constitution, but he **or she** shall not be deemed to have acted other than as a
51 judicial officer because of any such absence, defect or deficiency of assignment
52 under this section, or transfer by the chief justice.

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

7 2. [When the office of state courts administrator indicates in an annual
8 judicial weighted workload model for three consecutive years or more the need for
9 four or more full-time judicial positions in any judicial circuit having a population
10 of one hundred thousand or more, there shall be one additional associate circuit
11 judge position in such circuit for every four full-time judicial positions needed as
12 indicated in the weighted workload model. In a multicounty circuit, the

13 additional associate circuit judge positions shall be apportioned among the
14 counties in the circuit on the basis of population, starting with the most populous
15 county, then the next most populous county, and so forth.

16 3.] For purposes of this section, notwithstanding the provisions of section
17 1.100, population of a county shall be determined on the basis of the last previous
18 decennial census of the United States; and, beginning after certification of the
19 year 2000 decennial census, on the basis of annual population estimates prepared
20 by the United States Bureau of the Census, provided that the number of associate
21 circuit judge positions in a county shall be adjusted only after population
22 estimates for three consecutive years indicate population change in the county to
23 a level provided by subsection 1 of this section.

24 [4.] 3. Except in circuits where associate circuit judges are selected under
25 the provisions of Sections 25(a) to (g) of Article V of the constitution, the election
26 of associate circuit judges shall in all respects be conducted as other elections and
27 the returns made as for other officers.

28 [5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the
29 constitution, associate circuit judges shall be elected by the county at large.

30 [6.] 5. No associate circuit judge shall practice law, or do a law business,
31 nor shall he or she accept, during his or her term of office, any public
32 appointment for which he or she receives compensation for his or her services.

33 [7.] 6. No person shall be elected as an associate circuit judge unless he
34 or she has resided in the county for which he or she is to be elected at least one
35 year prior to the date of his or her election; provided that, a person who is
36 appointed by the governor to fill a vacancy may file for election and be elected
37 notwithstanding the provisions of this subsection.

478.437. [The circuit court of the county of St. Louis, comprising circuit
2 number twenty-one, shall be composed of nineteen divisions and nineteen judges]

3 **1. Beginning in fiscal year 2015, there shall be twenty circuit**
4 **judges in the twenty-first judicial circuit. These judges shall sit in**
5 **twenty divisions**, and each of the judges shall separately try causes, exercise
6 the powers and perform all the duties imposed upon circuit judges.

7 **2. Beginning in fiscal year 2015, there shall be one additional**
8 **associate circuit judge position in the twenty-first judicial circuit. This**
9 **associate circuit judgeship shall not be included in the statutory**
10 **formula for authorizing additional judgeships per county under section**
11 **478.320.**

478.464. [1.] In the sixteenth judicial circuit, [associate circuit divisions
2 shall hereafter 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
12 Independence is completed, there shall be one additional associate circuit judge
13 in the sixteenth judicial circuit, to be known as division 33. The presiding judge
14 of such circuit shall certify to the state of administration office the actual date of
15 completion of said construction.

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

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

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

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

478.600. 1. There shall be four circuit judges in the eleventh judicial

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

9 2. The circuit judge in division two shall be elected in 1980. The circuit
10 judge in division four shall be elected in 1982. The circuit judge in division one
11 shall be elected in 1984. The circuit judge in division three shall be elected in
12 1992. The circuit judges in divisions five and seven shall be elected for a six-year
13 term in 2006.

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

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

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

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

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

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

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

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

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

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

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

15 **government where the violation occurred. Such surcharges shall be**
16 **collected and disbursed by the clerk of each respective court**
17 **responsible for collecting court costs in the manner provided by**
18 **sections 488.010 to 488.020, and shall be payable to the treasurer of the**
19 **political subdivision authorizing such surcharge.**

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

525.040. 1. Notice of garnishment, served as provided in sections 525.010
2 to 525.480 shall have the effect of attaching all personal property, money, rights,
3 credits, bonds, bills, notes, drafts, checks or other choses in action of the
4 defendant in the garnishee's possession or charge, or under his **or her** control at
5 the time of the service of the garnishment, or which may come into his **or her**
6 possession or charge, or under his **or her** control, or be owing by him **or her**,
7 between that time and the time of filing his **or her** answer, **or in the case of**
8 **a continuous wage garnishment, until the judgment is paid in full or**
9 **until the employment relationship is terminated, whichever occurs**
10 **first; but he or she shall not be liable to a judgment in money on account of such**
11 **bonds, bills, notes, drafts, checks or other choses in action, unless the same shall**
12 **have been converted into money since the garnishment, or he or she fail, in such**
13 **time as the court may prescribe, to deliver them into court, or to the sheriff or**
14 **other person designated by the court.**

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

525.070. Whenever any property, effects, money or debts, belonging or
2 owing to the defendant, shall be confessed, or found by the court or jury, to be in

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

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

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

525.230. [1. The court shall make the garnishee a reasonable allowance]
2 **The garnishee may deduct a one-time sum not to exceed twenty dollars,**
3 **or the fee previously agreed upon between the garnishee and judgment**
4 **debtor where the garnishee is a financial institution**, for his or her trouble
5 and expenses in answering the interrogatories **and withholding the funds**, to
6 be [paid out of the funds or proceeds of the property or effects confessed in his or
7 her hands. The reasonable allowances shall include any court costs, attorney's
8 fees and any other bona fide expenses of the garnishee.

9 2. The court also shall allow the garnishee, in addition to the reasonable
10 allowance for his or her trouble and expenses in answering the interrogatories,
11 to collect an administrative fee consisting of the greater of eight dollars or two
12 percent of the amount required to be deducted by any court-ordered garnishment

13 or series of garnishments arising out of the same judgment debt. Such fee shall
14 be for the trouble and expenses in administering the notice of garnishment and
15 paying over any garnished funds available to the court. The fee shall be withheld
16 by the employer from the employee, or by any other garnishee from any fund
17 garnished, in addition to the moneys withheld to satisfy the court-ordered
18 judgment. Such fee shall not be a credit against the court-ordered judgment and
19 shall be collected first] **withheld from any funds garnished, in addition to**
20 **the moneys withheld to satisfy the court-ordered judgment. Such fee**
21 **shall not be a credit against the court-ordered judgment and shall be**
22 **collected first. The garnishee may file a motion with the court for**
23 **additional costs, including attorney's fees, reasonably incurred in**
24 **answering the interrogatories in which case the court may make such**
25 **award as it deems reasonable. The motion shall be filed on or before**
26 **the date the garnishee makes payment or delivers property subject to**
27 **garnishment to the court.**

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

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

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

58 **duties and obligations as those imposed upon a private employer when**
59 **served with a garnishment.**

60 **2. Pay of any officer, appointee, or employee of the state of**
61 **Missouri, or any municipal corporation or other political subdivision**
62 **of the state, shall be subject to garnishment to the same extent as in**
63 **any other garnishment. All garnishments against such employee shall**
64 **proceed in the same manner as any other garnishment.**

65 **3. Service of legal process to which a department, municipal**
66 **corporation, or other political subdivision of the state is subject under**
67 **this section may be accomplished by personal service upon the paying,**
68 **disbursing, or auditing officer of the state, municipal corporation, or**
69 **other political subdivision of the state, charged with the duty of**
70 **payment or audit of such salary, wages, fees, or earnings of such**
71 **employees.**

632.480. As used in sections 632.480 to 632.513, the following terms
2 mean:

3 (1) "Agency with jurisdiction", the department of corrections or the
4 department of mental health;

5 (2) "Mental abnormality", a congenital or acquired condition affecting the
6 emotional or volitional capacity which predisposes the person to commit sexually
7 violent offenses in a degree constituting such person a menace to the health and
8 safety of others;

9 (3) "Predatory", acts directed towards individuals, including family
10 members, for the primary purpose of victimization;

11 (4) "Sexually violent offense", the felonies of rape in the first degree,
12 forcible rape, rape, statutory rape in the first degree, sodomy in the first degree,
13 forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to
14 commit any of the preceding crimes, or child molestation in the first or second
15 degree, sexual abuse, sexual abuse in the first degree, rape in the second degree,
16 sexual assault, sexual assault in the first degree, sodomy in the second degree,
17 deviate sexual assault, deviate sexual assault in the first degree, or the act of
18 abuse of a child involving either sexual contact, a prohibited sexual act, sexual
19 abuse, or sexual exploitation of a minor, or any felony offense that contains
20 elements substantially similar to the offenses listed above;

21 (5) "Sexually violent predator", any person who suffers from a mental
22 abnormality which makes the person more likely than not to engage in predatory

23 acts of sexual violence if not confined in a secure facility and who:

24 (a) Has pled guilty or been found guilty **in this state or any other**
25 **jurisdiction**, or been found not guilty by reason of mental disease or defect
26 pursuant to section 552.030, of a sexually violent offense; or

27 (b) Has been committed as a criminal sexual psychopath pursuant to
28 section 632.475 and statutes in effect before August 13, 1980.

632.483. 1. When it appears that a person may meet the criteria of a
2 sexually violent predator, the agency with jurisdiction shall give written notice
3 of such to the attorney general and the multidisciplinary team established in
4 subsection 4 of this section. Written notice shall be given:

5 (1) Within three hundred sixty days prior to the anticipated release from
6 a correctional center of the department of corrections of a person who has been
7 convicted of a sexually violent offense, except that in the case of persons who are
8 returned to prison for no more than one hundred eighty days as a result of
9 revocation of postrelease supervision, written notice shall be given as soon as
10 practicable following the person's readmission to prison;

11 (2) At any time prior to the release of a person who has been found not
12 guilty by reason of mental disease or defect of a sexually violent offense; or

13 (3) At any time prior to the release of a person who was committed as a
14 criminal sexual psychopath pursuant to section 632.475 and statutes in effect
15 before August 13, 1980.

16 2. The agency with jurisdiction shall provide the attorney general and the
17 multidisciplinary team established in subsection 4 of this section with the
18 following:

19 (1) The person's name, identifying factors, anticipated future residence
20 and offense history;

21 (2) Documentation of institutional adjustment and any treatment received
22 or refused, including the Missouri sexual offender program; and

23 (3) A determination by either a psychiatrist or a psychologist as defined
24 in section 632.005 as to whether the person meets the definition of a sexually
25 violent predator.

26 3. The agency with jurisdiction, its employees, officials, members of the
27 multidisciplinary team established in subsection 4 of this section, members of the
28 prosecutor's review committee appointed as provided in subsection 5 of this
29 section and individuals contracting or appointed to perform services hereunder
30 shall be immune from liability for any conduct performed in good faith and

31 without gross negligence pursuant to the provisions of sections 632.480 to
32 632.513.

33 4. The director of the department of mental health and the director of the
34 department of corrections shall establish a multidisciplinary team consisting of
35 no more than seven members, at least one from the department of corrections and
36 the department of mental health, and which may include individuals from other
37 state agencies to review available records of each person referred to such team
38 pursuant to subsection 1 of this section. The team, within thirty days of receiving
39 notice, shall assess whether or not the person meets the definition of a sexually
40 violent predator. The team shall notify the attorney general of its assessment.

41 5. The prosecutors coordinators training council established pursuant to
42 section 56.760 shall appoint a five-member prosecutors' review committee
43 composed of a cross section of county prosecutors from urban and rural counties.
44 No more than three shall be from urban counties, and one member shall be the
45 prosecuting attorney of the county in which the person was convicted or
46 committed pursuant to chapter 552, **if the conviction was in this state.** The
47 committee shall review the records of each person referred to the attorney general
48 pursuant to subsection 1 of this section. The prosecutors' review committee shall
49 make a determination of whether or not the person meets the definition of a
50 sexually violent predator. The determination of the prosecutors' review
51 committee or any member pursuant to this section or section 632.484 shall not be
52 admissible evidence in any proceeding to prove whether or not the person is a
53 sexually violent predator. The assessment of the multidisciplinary team shall be
54 made available to the attorney general and the prosecutors' review committee.

632.484. 1. When the attorney general receives written notice from any
2 law enforcement agency that a person, who has pled guilty to or been convicted
3 of a sexually violent offense and who is not presently in the physical custody of
4 an agency with jurisdiction has committed a recent overt act, the attorney general
5 may file a petition for detention and evaluation with the probate division of the
6 court in which the person was convicted, or committed pursuant to chapter 552,
7 alleging the respondent may meet the definition of a sexually violent predator
8 and should be detained for evaluation for a period of up to nine days. **If the**
9 **person was convicted in another jurisdiction and the recent overt act**
10 **was committed in this state, the attorney general may file the petition**
11 **for detention and evaluation with the probate division of the court in**
12 **the county of this state where the overt act was committed.** The written

13 notice shall include the previous conviction record of the person, a description of
14 the recent overt act, if applicable, and any other evidence which tends to show the
15 person to be a sexually violent predator. The attorney general shall provide
16 notice of the petition to the prosecuting attorney of the county where the petition
17 was filed.

18 2. Upon a determination by the court that the person may meet the
19 definition of a sexually violent predator, the court shall order the detention and
20 transport of such person to a secure facility to be determined by the department
21 of mental health. The attorney general shall immediately give written notice of
22 such to the department of mental health.

23 3. Upon receiving physical custody of the person and written notice
24 pursuant to subsection 2 of this section, the department of mental health shall,
25 through either a psychiatrist or psychologist as defined in section 632.005, make
26 a determination whether or not the person meets the definition of a sexually
27 violent predator. The department of mental health shall, within seven days of
28 receiving physical custody of the person, provide the attorney general with a
29 written report of the results of its investigation and evaluation. The attorney
30 general shall provide any available records of the person that are retained by the
31 department of corrections to the department of mental health for the purposes of
32 this section. If the department of mental health is unable to make a
33 determination within seven days, the attorney general may request an additional
34 detention of ninety-six hours from the court for good cause shown.

35 4. If the department determines that the person may meet the definition
36 of a sexually violent predator, the attorney general shall provide the results of the
37 investigation and evaluation to the prosecutors' review committee. The
38 prosecutors' review committee shall, by majority vote, determine whether or not
39 the person meets the definition of a sexually violent predator within twenty-four
40 hours of written notice from the attorney general's office. If the prosecutors'
41 review committee determines that the person meets the definition of a sexually
42 violent predator, the prosecutors' review committee shall provide written notice
43 to the attorney general of its determination. The attorney general may file a
44 petition pursuant to section 632.486 within forty-eight hours after obtaining the
45 results from the department.

46 5. For the purposes of this section "recent overt act" means any act that
47 creates a reasonable apprehension of harm of a sexually violent nature.

650.120. 1. There is hereby created in the state treasury the "Cyber

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

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

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

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

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

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

38 Association;

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

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

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

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

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

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

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

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

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

72 9. The power of arrest of any peace officer who is duly authorized as a
73 member of a multijurisdictional Internet cyber crime law enforcement task force

74 shall only be exercised during the time such peace officer is an active member of
75 such task force and only within the scope of the investigation on which the task
76 force is working. Notwithstanding other provisions of law to the contrary, such
77 task force officer shall have the power of arrest, as limited in this subsection,
78 anywhere in the state and shall provide prior notification to the chief of police of
79 a municipality or the sheriff of the county in which the arrest is to take place. If
80 exigent circumstances exist, such arrest may be made and notification shall be
81 made to the chief of police or sheriff as appropriate and as soon as practical. The
82 chief of police or sheriff may elect to work with the multijurisdictional Internet
83 cyber crime law enforcement task force at his or her option when such task force
84 is operating within the jurisdiction of such chief of police or sheriff.

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

86 (1) The provisions of the new program authorized under this section shall
87 **[sunset automatically six years after June 5, 2006] be reauthorized on August**
88 **28, 2014 and shall expire on December 31, 2024**, unless reauthorized by an
89 act of the general assembly; and

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

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

2 [550.040. In all capital cases, and those in which
3 imprisonment in the penitentiary is the sole punishment for the
4 offense, if the defendant is acquitted, the costs shall be paid by the
5 state; and in all other trials on indictments or information, if the
6 defendant is acquitted, the costs shall be paid by the county in
7 which the indictment was found or information filed.]

2 [550.060. In all cases where any person shall be committed
3 or recognized to answer for a felony, and no indictment shall be
4 found against such person, the prosecutor, or person on whose oath
5 the prosecution was commenced, shall be liable for all the costs
6 incurred in that behalf; and the court shall render judgment
7 against such prosecutor for the same, and in no such case shall the
8 state or county pay such costs.]

Section B. The repeal and reenactment of sections 408.040, 488.305,

2 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective
3 on January 15, 2015.

Section C. Because of the necessity of constitutionally protected expedient
2 access to the courts and ensuring the continued efficient administration of justice
3 and because of the need to protect the interests of the state, the repeal and
4 reenactment of sections 447.560, 447.584, 478.320, 478.437, 478.464, 478.513, and
5 478.600, and the enactment of section 447.534 and 478.740 of this act are deemed
6 necessary for the immediate preservation of the public health, welfare, peace, and
7 safety, and is hereby declared to be an emergency act within the meaning of the
8 constitution and the repeal and reenactment of sections 447.560, 447.584,
9 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section
10 447.534 and 478.740 of this act shall be in full force and effect upon its passage
11 and approval.

✓

Bill

Copy