

SECOND REGULAR SESSION

SENATE BILL NO. 807

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Read 1st time January 21, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4579S.011

AN ACT

To repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

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

Section A. Section 455.040, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 455.040, to read as follows:

455.040. 1. **Except as provided in subsection 4 of this section**, not
2 later than fifteen days after the filing of a petition pursuant to sections 455.010
3 to 455.085 a hearing shall be held unless the court deems, for good cause shown,
4 that a continuance should be granted. At the hearing, if the petitioner has
5 proved the allegation of abuse or stalking by a preponderance of the evidence, the
6 court shall issue a full order of protection for a period of time the court deems
7 appropriate, except that the protective order shall be valid for at least one
8 hundred eighty days and not more than one year. Upon motion by the petitioner,
9 and after a hearing by the court, the full order of protection may be renewed for
10 a period of time the court deems appropriate, except that the protective order
11 shall be valid for at least one hundred eighty days and not more than one year
12 from the expiration date of the originally issued full order of protection. If for
13 good cause a hearing cannot be held on the motion to renew the full order of
14 protection prior to the expiration date of the originally issued full order of
15 protection, an ex parte order of protection may be issued until a hearing is held
16 on the motion. Upon motion by the petitioner, and after a hearing by the court,
17 the second full order of protection may be renewed for an additional period of
18 time the court deems appropriate, except that the protective order shall be valid
19 for at least one hundred eighty days and not more than one year. For purposes
20 of this subsection, a finding by the court of a subsequent act of abuse is not

21 required for a renewal order of protection.

22 2. The court shall cause a copy of the petition and notice of the date set
23 for the hearing on such petition and any ex parte order of protection to be served
24 upon the respondent as provided by law or by any sheriff or police officer at least
25 three days prior to such hearing. Such notice shall be served at the earliest time,
26 and service of such notice shall take priority over service in other actions, except
27 those of a similar emergency nature. The court shall cause a copy of any full
28 order of protection to be served upon or mailed by certified mail to the respondent
29 at the respondent's last known address. Failure to serve or mail a copy of the full
30 order of protection to the respondent shall not affect the validity or enforceability
31 of a full order of protection.

32 3. A copy of any order of protection granted pursuant to sections 455.010
33 to 455.085 shall be issued to the petitioner and to the local law enforcement
34 agency in the jurisdiction where the petitioner resides. The clerk shall also issue
35 a copy of any order of protection to the local law enforcement agency responsible
36 for maintaining the Missouri uniform law enforcement system or any other
37 comparable law enforcement system the same day the order is granted. The law
38 enforcement agency responsible for maintaining MULES shall enter information
39 contained in the order for purposes of verification within twenty-four hours from
40 the time the order is granted. A notice of expiration or of termination of any
41 order of protection shall be issued to the local law enforcement agency and to the
42 law enforcement agency responsible for maintaining MULES or any other
43 comparable law enforcement system. The law enforcement agency responsible for
44 maintaining the applicable law enforcement system shall enter such information
45 in the system. The information contained in an order of protection may be
46 entered in the Missouri uniform law enforcement system or comparable law
47 enforcement system using a direct automated data transfer from the court
48 automated system to the law enforcement system.

49 **4. When a petitioner alleges that a person who is not a family or**
50 **household member has engaged in stalking, the court may hold a**
51 **hearing if it finds that the action is brought in good faith and not for**
52 **the purpose of intimidation of the respondent. Such finding may be**
53 **made within forty-five days after the filing of the petition.**

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