

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 871

99TH GENERAL ASSEMBLY

2018

5748H.02T

AN ACT

To repeal sections 455.513, 478.375, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, RSMo, and to enact in lieu thereof seven new sections relating to court administration.

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

Section A. Sections 455.513, 478.375, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 455.513, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, to read as follows:

455.513. 1. **The court may immediately issue an ex parte order of protection** upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

(1) No prior order regarding custody **involving the respondent and the child** is pending or has been made; or [that]

(2) The respondent is less than seventeen years of age[, the court may immediately issue an ex parte order of protection].

An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

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

16 3. If the allegations in the petition would give rise to jurisdiction under
17 section 211.031, the court may direct the children's division to conduct an
18 investigation and to provide appropriate services. The division shall submit a
19 written investigative report to the court and to the juvenile officer within thirty
20 days of being ordered to do so. The report shall be made available to the parties
21 and the guardian ad litem or court-appointed special advocate.

22 4. If the allegations in the petition would give rise to jurisdiction under
23 section 211.031 because the respondent is less than seventeen years of age, the
24 court may issue an ex parte order and shall transfer the case to juvenile court for
25 a hearing on a full order of protection. Service of process shall be made pursuant
26 to section 455.035.

 478.600. 1. There shall be four circuit judges in the eleventh judicial
2 circuit. 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
4 eleventh judicial circuit and these judges shall sit in divisions numbered one, two,
5 three, four, five, and seven. The division five associate circuit judge position and
6 the division seven associate circuit judge position shall become circuit judge
7 positions beginning January 1, 2007, and shall be numbered as divisions five and
8 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 associate
29 circuit judge position in the eleventh judicial circuit. The associate circuit judge
30 shall be elected in 2016. This associate circuit judgeship shall not be included in
31 the statutory formula for authorizing additional circuit judgeships per county
32 under section 478.320. **Beginning in fiscal year 2019, there shall be one**
33 **additional associate circuit judge position in the eleventh judicial**
34 **circuit. The associate circuit judge shall be elected in 2020. This**
35 **associate circuit judgeship shall not be included in the statutory**
36 **formula for authorizing additional circuit judgeships per county under**
37 **section 478.320.**

478.625. 1. Beginning on January 1, 2003, there shall be three circuit
2 judges in the nineteenth judicial circuit consisting of the county of Cole.

3 2. One circuit judge shall be first elected in 1982. The second circuit
4 judge shall be first elected in 1984. The third circuit judge shall be first elected
5 in 2002.

6 3. Effective January 1, [2003] **2021, in compliance with section**
7 **478.320,** there shall be [one less] **two** associate circuit [judge] **judges** in Cole
8 County [than is provided pursuant to section 478.320]. **The second associate**
9 **circuit judge shall be first elected in 2020.**

483.075. 1. Every clerk shall record the judgments, rules, orders and
2 other proceedings of the court; issue and attest all process when required by law
3 and affix the seal of his office thereto, or if none be provided, then his private
4 seal; keep a perfect account of all moneys coming into his hands on account of
5 costs or otherwise, and punctually pay over the same.

6 2. Provided, that where the clerk of the circuit court is a party, plaintiff
7 or defendant, whether singly or jointly with others, to a suit or action, the writ
8 of summons and all other process shall be issued by the clerk of the county
9 commission, the reason therefor being noted on said process, and said latter
10 named clerk shall, on the trial of said cause, act as temporary clerk of the circuit
11 court and otherwise perform in said cause all the duties of the circuit court
12 clerk. **This subsection shall not apply where the clerk of the circuit**
13 **court is named as a party under sections 610.130 to 610.145 or other**
14 **sections relating to the expungement of criminal records.**

488.2250. 1. For all appeal transcripts of testimony given [or proceedings

2 in any circuit court], the court reporter shall receive the sum of three dollars and
3 fifty cents per legal page for the preparation of a paper and an electronic version
4 of the transcript.

5 2. In criminal cases where an appeal is taken by the defendant and it
6 appears to the satisfaction of the court that the defendant is unable to pay the
7 costs of the transcript for the purpose of perfecting the appeal, the court reporter
8 shall receive a fee of two dollars and sixty cents per legal page for the preparation
9 of a paper and an electronic version of the transcript.

10 3. Any judge, in his or her discretion, may order a transcript of all or any
11 part of the evidence or oral proceedings and the court reporter shall receive the
12 sum of two dollars and sixty cents per legal page for the preparation of a paper
13 and an electronic version of the transcript.

14 4. For purposes of this section, a legal page, other than the first page and
15 the final page of the transcript, shall be twenty-five lines, approximately eight
16 and one-half inches by eleven inches in size, with the left-hand margin of
17 approximately one and one-half inches, and with the right-hand margin of
18 approximately one-half inch.

19 5. Notwithstanding any law to the contrary, the payment of court
20 reporter's fees provided in subsections 2 and 3 of this section shall be made by
21 the state upon a voucher approved by the court. The cost to prepare all other
22 transcripts of testimony or proceedings shall be borne by the party requesting
23 their preparation and production, who shall reimburse the court reporter [the
24 sum provided in subsection 1 of this section].

516.105. 1. All actions against physicians, hospitals, dentists, registered
2 or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors,
3 professional physical therapists, mental health professionals licensed under
4 chapter 337, and any other entity providing health care services and all
5 employees of any of the foregoing acting in the course and scope of their
6 employment, for damages for malpractice, negligence, error or mistake related to
7 health care shall be brought within two years from the date of occurrence of the
8 act of neglect complained of, except that:

9 (1) In cases in which the act of neglect complained of is introducing and
10 negligently permitting any foreign object to remain within the body of a living
11 person, the action shall be brought within two years from the date of the
12 discovery of such alleged negligence, or from the date on which the patient in the
13 exercise of ordinary care should have discovered such alleged negligence,

14 whichever date first occurs; and

15 (2) In cases in which the act of neglect complained of is the negligent
16 failure to inform the patient of the results of medical tests, the action for failure
17 to inform shall be brought within two years from the date of the discovery of such
18 alleged negligent failure to inform, or from the date on which the patient in the
19 exercise of ordinary care should have discovered such alleged negligent failure to
20 inform, whichever date first occurs; except that, no such action shall be brought
21 for any negligent failure to inform about the results of medical tests performed
22 more than two years before August 28, 1999. For purposes of this subdivision,
23 the act of neglect based on the negligent failure to inform the patient of the
24 results of medical tests shall not include the act of informing the patient of the
25 results of negligently performed medical tests or the act of informing the patient
26 of erroneous test results; and

27 (3) In cases in which the person bringing the action is a minor less than
28 eighteen years of age, such minor shall have until his or her twentieth birthday
29 to bring such action.

30 In no event shall any action for damages for malpractice, error, or mistake be
31 commenced after the expiration of ten years from the date of the act of neglect
32 complained of or for two years from a minor's eighteenth birthday, whichever is
33 later.

34 **2. Any service on a defendant by a plaintiff after the statute of**
35 **limitations set forth in subsection 1 of this section has expired or after**
36 **the expiration of any extension of the time provided to commence an**
37 **action pursuant to law shall be made within one hundred eighty days**
38 **of the filing of the petition. If such service is not made on a defendant**
39 **within one hundred eighty days of the filing of the petition, the court**
40 **shall dismiss the action against the defendant. The dismissal shall be**
41 **without prejudice unless the plaintiff has previously taken or suffered**
42 **a nonsuit, in which case the dismissal shall be with prejudice.**

537.100. 1. Every action instituted under section 537.080 shall be
2 commenced within three years after the cause of action shall accrue; provided,
3 that if any defendant, whether a resident or nonresident of the state at the time
4 any such cause of action accrues, shall then or thereafter be absent or depart
5 from the state, so that personal service cannot be had upon such defendant in the
6 state in any such action heretofore or hereafter accruing, the time during which
7 such defendant is so absent from the state shall not be deemed or taken as any

8 part of the time limited for the commencement of such action against him; and
9 provided, that if any such action shall have been commenced within the time
10 prescribed in this section, and the plaintiff therein take or suffer a nonsuit, or
11 after a verdict for him the judgment be arrested, or after a judgment for him the
12 same be reversed on appeal or error, such plaintiff may commence a new action
13 from time to time within one year after such nonsuit suffered or such judgment
14 arrested or reversed; and in determining whether such new action has been begun
15 within the period so limited, the time during which such nonresident or absent
16 defendant is so absent from the state shall not be deemed or taken as any part
17 of such period of limitation.

18 **2. Any service on a defendant by a plaintiff after the statute of**
19 **limitations set forth in subsection 1 of this section has expired or after**
20 **the expiration of any extension of the time provided to commence an**
21 **action pursuant to law shall be made within one hundred eighty days**
22 **of the filing of the petition. If such service is not made on a defendant**
23 **within one hundred eighty days of the filing of the petition, the court**
24 **shall dismiss the action against the defendant. The dismissal shall be**
25 **without prejudice unless the plaintiff has previously taken or suffered**
26 **a nonsuit, in which case the dismissal shall be with prejudice.**

[478.375. At such time as a new jail or law enforcement
2 center is constructed within the sixth judicial circuit, a new circuit
3 judgeship shall be added.]

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