

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 91
101ST GENERAL ASSEMBLY

0456H.07C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 49.310, 211.181, 211.435, 211.438, 211.439, 217.777, 447.541, 451.040, 452.410 455.010, 475.050, 476.083, 478.600, 485.060, 494.455, 559.120, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof thirty new sections relating to judicial proceedings, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 49.310, 211.181, 211.435, 211.438, 211.439, 217.777, 447.541, 451.040, 452.410, 455.010, 475.050, 476.083, 478.600, 485.060, 494.455, 559.120, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 21.403, 21.405, 49.266, 49.310, 211.012, 211.181, 211.435, 217.777, 447.541, 451.040, 452.410, 455.010, 475.050, 476.083, 478.600, 479.162, 485.060, 488.016, 491.016, 494.455, 550.125, 559.120, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, 575.330, and 576.030, to read as follows:

21.403. 1. If an individual who has been subpoenaed to testify or provide other information at a proceeding before a body of the general assembly has refused to give or provide such testimony or other information on the basis of his or her privilege against self-incrimination, the president pro tempore or speaker of the originating body of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 general assembly may request the court to issue an order requiring such individual to
6 testify or provide other information, and if the court finds that such request has been
7 approved by an affirmative vote of a three-fifths majority of the members of such body of
8 the general assembly, the court shall issue an order requiring such individual to give such
9 testimony or provide other information requested or subpoenaed by such body of the
10 general assembly, which shall become effective as provided under this section.

11 2. After being provided written notice that an order has been issued under this
12 section, the witness shall not refuse to comply with the order on the basis of his or her
13 privilege against self-incrimination. However, no testimony or other information
14 compelled under such order, or any information directly or indirectly derived from such
15 testimony or other information, shall be used against the witness in any criminal
16 proceeding except for perjury, giving false statement, or otherwise failing to comply with
17 such order.

21.405. 1. If a witness is summoned by a body of the general assembly and such
2 witness:

3 (1) Willfully fails to appear to testify;

4 (2) After having appeared, refuses to answer any question pertinent to the question
5 under inquiry; or

6 (3) Fails to produce required documents,

7
8 a statement of facts constituting such failure or refusal may be reported to and filed with
9 the president pro tempore or speaker of the originating body of the general assembly.
10 Upon receipt of such statement of facts, the president pro tempore or the speaker may
11 certify such statement of facts to the prosecuting attorney or such other attorney having
12 jurisdiction for prosecution under section 575.330. The state attorney general shall have
13 concurrent original jurisdiction to commence such criminal action throughout the state
14 where such violation has occurred.

15 2. Upon request by the president pro tempore or speaker of the originating body
16 of the general assembly who has certified a statement of facts under this section, the court
17 shall within fifteen days of the request appoint independent counsel, who shall have
18 jurisdiction to prosecute under section 575.330. In the event independent counsel is
19 appointed under this section, such independent counsel shall have sole jurisdiction to
20 prosecute under section 575.330.

~~2 [49.266. 1. The county commission in all noncharter counties may by
3 order or ordinance promulgate reasonable regulations concerning the use of
4 county property, the hours, conditions, methods and manner of such use and the
regulation of pedestrian and vehicular traffic and parking thereon.~~

5 ~~2. Violation of any regulation so adopted under subsection 1 of this~~
6 ~~section is an infraction.~~

7 ~~3. Upon a determination by the state fire marshal that a burn ban order~~
8 ~~is appropriate for a county because:~~

9 ~~(1) An actual or impending occurrence of a natural disaster of major~~
10 ~~proportions within the county jeopardizes the safety and welfare of the~~
11 ~~inhabitants of such county; and~~

12 ~~(2) The U.S. Drought Monitor has designated the county as an area of~~
13 ~~severe, extreme, or exceptional drought, the county commission may adopt an~~
14 ~~order or ordinance issuing a burn ban, which may carry a penalty of up to a class~~
15 ~~A misdemeanor. State agencies responsible for fire management or suppression~~
16 ~~activities and persons conducting agricultural burning using best management~~
17 ~~practices shall not be subject to the provisions of this subsection. The ability of~~
18 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~
19 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~
20 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~
21 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~
22 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~
23 ~~term "consumer fireworks" is defined under section 320.106.~~

24 ~~4. The regulations so adopted shall be codified, printed and made~~
25 ~~available for public use and adequate signs concerning smoking, traffic and~~
26 ~~parking regulations shall be posted.]~~

27

49.266. 1. The county commission in all **noncharter** counties [~~of the first, second or~~
2 ~~fourth classification]~~ may by order or ordinance promulgate reasonable regulations concerning
3 the use of county property, the hours, conditions, methods and manner of such use and the
4 regulation of pedestrian and vehicular traffic and parking thereon.

5 2. Violation of any regulation so adopted under subsection 1 of this section is an
6 infraction.

7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for
8 a county because:

9 (1) An actual or impending occurrence of a natural disaster of major proportions within
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and

11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for
14 fire management or suppression activities and persons conducting agricultural burning using best
15 management practices shall not be subject to the provisions of this subsection. The ability of an
16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or

18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American
19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other
20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public
22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this
2 section, the county commission in each county in this state shall erect and maintain at the
3 established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings
4 for the preservation of the records of the county; except that in counties having a special charter,
5 the jail or workhouse may be located at any place within the county. In pursuance of the
6 authority herein delegated to the county commission, the county commission may acquire a site,
7 construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in
8 counties wherein more than one place is provided by law for holding of court, the county
9 commission may buy and equip or acquire a site and construct a building or buildings to be used
10 as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places.
11 The county commission may issue bonds as provided by the general law covering the issuance
12 of bonds by counties for the purposes set forth in this section. In bond elections for these
13 purposes in counties wherein more than one place is provided by law for holding of court, a
14 separate ballot question may be submitted covering proposed expenditures in each separate site
15 described therein, or a single ballot question may be submitted covering proposed expenditures
16 at more than one site, if the amount of the proposed expenditures at each of the sites is
17 specifically set out therein.

18 2. The county commission in all counties of the fourth classification and any county of
19 the third, second, or first classification may provide for the erection and maintenance of a good
20 and sufficient jail or holding cell facility at a site in the county other than at the established seat
21 of justice.

22 **3. In the absence of a local agreement otherwise, for any courthouse that contains**
23 **both county offices and court facilities, the presiding judge of the circuit may establish**
24 **rules and procedures for court facilities and areas necessary for court-related ingress,**
25 **court-related egress and other reasonable court-related usage, but the county commission**
26 **shall have authority over all other areas of the courthouse.**

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction
2 **of the juvenile court, a person shall not be considered a child if, at the time the alleged**
3 **offense or violation was committed, the person was considered an adult according to then-**
4 **existing law.**

211.181. 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such

36 federal waivers as required to provide services for such children, including the acquisition of
37 community-based services waivers.

38 2. When a child is found by the court to come within the provisions of subdivision (2)
39 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
40 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
41 proceed as follows:

42 (1) Place the child under supervision in his or her own home or in custody of a relative
43 or other suitable person after the court or a public agency or institution designated by the court
44 conducts an investigation of the home, relative or person and finds such home, relative or person
45 to be suitable and upon such conditions as the court may require;

46 (2) Commit the child to the custody of:

47 (a) A public agency or institution authorized by law to care for children or place them
48 in family homes; except that, a child may be committed to the department of social services,
49 division of youth services, only if he or she is presently under the court's supervision after an
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

51 (b) Any other institution or agency which is authorized or licensed by law to care for
52 children or to place them in family homes;

53 (c) An association, school or institution willing to receive it in another state if the
54 approval of the agency in that state which administers the laws relating to importation of children
55 into the state has been secured; or

56 (d) The juvenile officer;

57 (3) Place the child in a family home;

58 (4) Cause the child to be examined and treated by a physician, psychiatrist or
59 psychologist and when the health or condition of the child requires it, cause the child to be placed
60 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
61 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
62 of a child whose parents or guardian in good faith are providing other remedial treatment
63 recognized or permitted under the laws of this state;

64 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

65

66 Execution of any order entered by the court pursuant to this subsection, including a commitment
67 to any state agency, may be suspended and the child placed on probation subject to such
68 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
69 suspended order executed.

70 3. When a child is found by the court to come within the provisions of subdivision (3)
71 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon

72 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
73 proceed as follows:

74 (1) Place the child under supervision in his or her own home or in custody of a relative
75 or other suitable person after the court or a public agency or institution designated by the court
76 conducts an investigation of the home, relative or person and finds such home, relative or person
77 to be suitable and upon such conditions as the court may require; provided that, no child who has
78 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a
79 sex-related offense which if committed by an adult would be considered a felony offense
80 pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation,
81 and sexual abuse, and in which the victim was a child, shall be placed in any residence within
82 one thousand feet of the residence of the abused child of that offense until the abused child
83 reaches the age of eighteen, and provided further that the provisions of this subdivision regarding
84 placement within one thousand feet of the abused child shall not apply when the abusing child
85 and the abused child are siblings or children living in the same home;

86 (2) Commit the child to the custody of:

87 (a) A public agency or institution authorized by law to care for children or to place them
88 in family homes;

89 (b) Any other institution or agency which is authorized or licensed by law to care for
90 children or to place them in family homes;

91 (c) An association, school or institution willing to receive it in another state if the
92 approval of the agency in that state which administers the laws relating to importation of children
93 into the state has been secured; or

94 (d) The juvenile officer;

95 (3) Beginning January 1, 1996, the court may make further directions as to placement
96 with the division of youth services concerning the child's length of stay. The length of stay order
97 may set forth a minimum review date;

98 (4) Place the child in a family home;

99 (5) Cause the child to be examined and treated by a physician, psychiatrist or
100 psychologist and when the health or condition of the child requires it, cause the child to be placed
101 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
102 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
103 of a child whose parents or guardian in good faith are providing other remedial treatment
104 recognized or permitted under the laws of this state;

105 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
106 vehicle;

107 (7) Order the child to make restitution or reparation for the damage or loss caused by his
108 or her offense. In determining the amount or extent of the damage, the court may order the
109 juvenile officer to prepare a report and may receive other evidence necessary for such
110 determination. The child and his or her attorney shall have access to any reports which may be
111 prepared, and shall have the right to present evidence at any hearing held to ascertain the amount
112 of damages. Any restitution or reparation ordered shall be reasonable in view of the child's
113 ability to make payment or to perform the reparation. The court may require the clerk of the
114 circuit court to act as receiving and disbursing agent for any payment ordered;

115 (8) Order the child to a term of community service under the supervision of the court or
116 of an organization selected by the court. Every person, organization, and agency, and each
117 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
118 from any services performed as a result of an order issued under this subdivision, shall be
119 immune from any suit by the child ordered to perform services under this subdivision, or any
120 person deriving a cause of action from such child, if such cause of action arises from the
121 supervision of the child's performance of services under this subdivision and if such cause of
122 action does not arise from an intentional tort. A child ordered to perform services under this
123 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
124 287, nor shall the services of such child be deemed employment within the meaning of the
125 provisions of chapter 288. Execution of any order entered by the court, including a commitment
126 to any state agency, may be suspended and the child placed on probation subject to such
127 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
128 suspended order executed;

129 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
130 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
131 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
132 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
133 amount of up to fifty dollars to be paid by the child to the clerk of the court.

134 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
135 minimum period during which the child shall remain in the custody of the division of youth
136 services. No court order shall require a child to remain in the custody of the division of youth
137 services for a period which exceeds the child's ~~eighteenth~~ **nineteenth** birth date except upon
138 petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In
139 any order of commitment of a child to the custody of the division of youth services, the division
140 shall determine the appropriate program or placement pursuant to subsection 3 of section
141 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody
142 of the division of youth services before the child completes the length of stay determined by the

143 court in the commitment order unless the committing court orders otherwise. The director of the
144 division of youth services may at any time petition the court for a review of a child's length of
145 stay commitment order, and the court may, upon a showing of good cause, order the early
146 discharge of the child from the custody of the division of youth services. The division may
147 discharge the child from the division of youth services without a further court order after the
148 child completes the length of stay determined by the court or may retain the child for any period
149 after the completion of the length of stay in accordance with the law.

150 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
151 this section, the assessment shall be paid to the clerk of the court in the circuit where the
152 assessment is imposed by court order, to be deposited in a fund established for the sole purpose
153 of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. ~~[There is hereby created in the state treasury the]~~ A "Juvenile Justice
2 Preservation Fund"~~[, which]~~ **is hereby established in each county's circuit court for the**
3 **purpose of implementing and maintaining the expansion of juvenile court jurisdiction to**
4 **eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this
5 section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other
6 moneys appropriated by the general assembly. ~~[The state treasurer shall be custodian of the fund.~~
7 ~~In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.~~
8 ~~The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be~~
9 ~~distributed to the judicial circuits of the state based upon the increased workload created by~~
10 ~~sections 211.021 to 211.425 solely for the administration of the juvenile justice system.~~
11 ~~Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the~~
12 ~~fund at the end of the biennium shall not revert to the credit of the general revenue fund. The~~
13 ~~state treasurer shall invest moneys in the fund in the same manner as other funds are invested.~~
14 ~~Any interest and moneys earned on such investments shall be credited to the fund. The~~
15 ~~provisions of this subsection shall expire on August 28, 2024.]~~

16 2. For all traffic violations of any county ordinance or any violation of traffic laws of this
17 state, including an infraction, in which a person has pled guilty, there shall be assessed as costs
18 a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding
19 involving a violation of an ordinance or state law when the proceeding or defendant has been
20 dismissed by the court or when costs are to be paid by the state, county, or municipality. Such
21 surcharge shall be collected and disbursed by the clerk of the court as provided by sections
22 488.010 to 488.020. The surcharge collected under this section shall be ~~[paid into the state~~
23 ~~treasury to the credit of the]~~ **payable to the county circuit court juvenile justice preservation**
24 **fund created in this section.** ~~[The provisions of this subsection shall expire if the provisions of~~
25 ~~subsection 1 of this section expire.] **Funds held by the state treasurer in the state juvenile**~~

26 justice preservation fund shall be payable and revert to the circuit court's juvenile justice
27 preservation fund in the county of origination.

28 **3. Expenditures from the county circuit court juvenile justice preservation fund**
29 **shall be made at the discretion of the juvenile office for the circuit court and shall be used**
30 **for the sole purpose of implementing and maintaining the expansion of juvenile court**
31 **jurisdiction.**

32 **4. No moneys deposited in the juvenile justice preservation fund shall be expended**
33 **for capital improvements.**

34 **5. To further promote the best interests of the children of the state of Missouri,**
35 **moneys in the juvenile justice preservation fund shall not be used to replace or reduce the**
36 **responsibilities of either the counties or the state to provide funding for existing and new**
37 **juvenile treatment services as provided in this chapter and chapter 210 or funding as**
38 **otherwise required by law.**

217.777. 1. The department shall administer a community corrections program to
2 encourage the establishment of local sentencing alternatives for offenders to:

3 (1) Promote accountability of offenders to crime victims, local communities and the state
4 by providing increased opportunities for offenders to make restitution to victims of crime
5 through financial reimbursement or community service;

6 (2) Ensure that victims of crime are included in meaningful ways in Missouri's response
7 to crime;

8 (3) Provide structured opportunities for local communities to determine effective local
9 sentencing options to assure that individual community programs are specifically designed to
10 meet local needs;

11 (4) Reduce the cost of punishment, supervision and treatment significantly below the
12 annual per-offender cost of confinement within the traditional prison system;

13 (5) Utilize community supervision centers to effectively respond to violations and
14 prevent revocations; ~~and~~

15 (6) Improve public confidence in the criminal justice system by involving the public in
16 the development of community-based sentencing options for eligible offenders; **and**

17 **(7) Promote opportunities for nonviolent primary caregivers to care for their**
18 **dependent children.**

19 2. The program shall be designed to implement and operate community-based restorative
20 justice projects including, but not limited to: preventive or diversionary programs,
21 community-based intensive probation and parole services, community-based treatment centers,
22 day reporting centers, and the operation of facilities for the detention, confinement, care and
23 treatment of adults under the purview of this chapter.

24 3. The department shall promulgate rules and regulations for operation of the program
25 established pursuant to this section as provided for in section 217.040 and chapter 536.

26 4. Any proposed program or strategy created pursuant to this section shall be developed
27 after identification of a need in the community for such programs, through consultation with
28 representatives of the general public, judiciary, law enforcement and defense and prosecution
29 bar.

30 5. In communities where local volunteer community boards are established at the request
31 of the court, the following guidelines apply:

32 (1) The department shall provide a program of training to eligible volunteers and develop
33 specific conditions of a probation program and conditions of probation for offenders referred to
34 it by the court. Such conditions, as established by the community boards and the department,
35 may include compensation and restitution to the community and the victim by fines, fees, day
36 fines, victim-offender mediation, participation in victim impact panels, community service, or
37 a combination of the aforementioned conditions;

38 (2) The term of probation shall not exceed five years and may be concluded by the court
39 when conditions imposed are met to the satisfaction of the local volunteer community board.

40 6. The department may staff programs created pursuant to this section with employees
41 of the department or may contract with other public or private agencies for delivery of services
42 as otherwise provided by law.

447.541. 1. Within two hundred forty days from the due date of the report required by
2 section 447.539, the treasurer shall cause notice to be published at least once each week for two
3 successive weeks in a newspaper of general circulation as defined in section 493.050 in the
4 county in this state in which is located the last known address of any person to be named in the
5 notice, **or by any other method which the treasurer, in his or her discretion, deems**
6 **appropriate and consistent with the intent of this section to notify the owners of property**
7 **presumed abandoned and reported under section 447.539.** If no address is listed or if the
8 address is outside this state and the property may be subject to sale or liquidation, the notice shall
9 be published in the county in which the holder of the abandoned property has his principal place
10 of business within this state.

11 2. The published notice **required under subsection 1 of this section** shall be entitled
12 "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and shall
13 contain:

14 (1) The names in alphabetical order and last known addresses, if any, of persons listed
15 in the report and entitled to notice within the county as specified in subsection 1 of this section;

16 (2) A statement that information concerning the amount or description of the property
17 and the name and address of the holder may be obtained by any persons possessing an interest
18 in the property by addressing an inquiry to the treasurer;

19 (3) A statement that if proof of claim is not presented by the owner to the holder and if
20 the owner's right to receive the property is not established to the treasurer's satisfaction within
21 one year from the date of the delivery of the property to the treasurer, the abandoned property
22 will be sold as provided in section 447.558. The treasurer is not required to publish in the notice
23 any items of less than fifty dollars unless, in the aggregate, the items total fifty or more dollars
24 for any one individual. The treasurer shall use reasonable diligence to determine if small items
25 in fact belong to the same individual.

26 3. Within one hundred twenty days from the receipt of the report required by section
27 447.539, the treasurer shall mail a notice, **or provide a notice by any other method which the**
28 **treasurer, in his or her discretion, deems appropriate and consistent with the intent of this**
29 **subsection**, to each person having an address listed therein who appears to be entitled to property
30 of the value of fifty dollars or more presumed abandoned under sections 447.500 to 447.595.

31 4. The ~~mailed~~ notice **required under subsection 3 of this section** shall contain:

32 (1) A statement that, according to a report filed with the treasurer, property is being held
33 by the treasurer to which the addressee appears entitled; and

34 (2) A statement that, if satisfactory proof of claim is not presented by the owner to the
35 treasurer by the date specified in the published notice, the property will be sold as provided in
36 section 447.558.

37 5. Subsections 1 and 4 of this section are not applicable to sums payable on traveler's
38 checks or money orders.

39 6. In addition to the above forms of notice to owners of abandoned property, the treasurer
40 shall work with other state agencies to provide notice to holders of their rights and
41 responsibilities pursuant to sections 447.500 to 447.595 by including information regarding
42 Missouri's unclaimed property laws.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
2 obtained from the officer authorized to issue the same, and no marriage contracted shall be
3 recognized as valid unless the license has been previously obtained, and unless the marriage is
4 solemnized by a person authorized by law to solemnize marriages.

5 2. Before applicants for a marriage license shall receive a license, and before the recorder
6 of deeds shall be authorized to issue a license, the parties to the marriage shall present an
7 application for the license, duly executed and signed in the presence of the recorder of deeds or
8 their deputy **or electronically through an online process**. If an applicant is unable to sign the
9 application in the presence of the recorder of deeds as a result of the applicant's incarceration or

10 because the applicant has been called or ordered to active military duty out of the state or
11 country, the recorder of deeds may issue a license if:

12 (1) An affidavit or sworn statement is submitted by the incarcerated or military applicant
13 on a form furnished by the recorder of deeds which includes the necessary information for the
14 recorder of deeds to issue a marriage license under this section. The form shall include, but not
15 be limited to, the following:

16 (a) The names of both applicants for the marriage license;

17 (b) The date of birth of the incarcerated or military applicant;

18 (c) An attestation by the incarcerated or military applicant that both applicants are not
19 related;

20 (d) The date the marriage ended if the incarcerated or military applicant was previously
21 married;

22 (e) An attestation signed by the incarcerated or military applicant stating in substantial
23 part that the applicant is unable to appear in the presence of the recorder of deeds as a result of
24 the applicant's incarceration or because the applicant has been called or ordered to active military
25 duty out of the state or country, which will be verified by the professional or official who directs
26 the operation of the jail or prison or the military applicant's military officer, or such professional's
27 or official's designee, and acknowledged by a notary public commissioned by the state of
28 Missouri at the time of verification. However, in the case of an applicant who is called or
29 ordered to active military duty outside Missouri, ~~acknowledgement~~ **acknowledgment** may be
30 obtained by a notary public who is duly commissioned by a state other than Missouri or by
31 notarial services of a military officer in accordance with the Uniform Code of Military Justice
32 at the time of verification;

33 (2) The completed marriage license application of the incarcerated or military applicant
34 is submitted which includes the applicant's Social Security number; except that, in the event the
35 applicant does not have a Social Security number, a sworn statement by the applicant to that
36 effect; and

37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is
40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.

42 3. Each application for a license shall contain the Social Security number of the
43 applicant, provided that the applicant in fact has a Social Security number, or the applicant shall
44 sign a statement provided by the recorder that the applicant does not have a Social Security
45 number. The Social Security number contained in an application for a marriage license shall be

46 exempt from examination and copying pursuant to section 610.024. After the receipt of the
47 application the recorder of deeds shall issue the license, unless one of the parties withdraws the
48 application. The license shall be void after thirty days from the date of issuance.

49 4. Any person violating the provisions of this section shall be deemed guilty of a
50 misdemeanor.

51 5. Common-law marriages shall be null and void.

52 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
53 the validity be in any way affected for want of authority in any person so solemnizing the
54 marriage pursuant to section 451.100, if consummated with the full belief on the part of the
55 persons, so married, or either of them, that they were lawfully joined in marriage.

56 **7. In the event a recorder of deeds utilizes an online process to accept applications**
57 **for a marriage license or to issue a marriage license and the applicants' identity has not**
58 **been verified in person, the recorder shall have a two-step identity verification process or**
59 **a process that independently verifies the identity of such applicants. Such process shall be**
60 **adopted as part of any electronic system for marriage licenses if the applicants do not**
61 **present themselves to the recorder or his or her designee in person. It shall be the**
62 **responsibility of the recorder to ensure any process adopted to allow electronic application**
63 **or issuance of a marriage license verifies the identities of both applicants. The recorder**
64 **shall not accept applications for or issue marriage licenses through the process provided**
65 **in this subsection unless at least one of the applicants is a resident of the county or city not**
66 **within a county in which the application was submitted.**

452.410. 1. Except as provided in subsection 2 of this section, the court shall not modify
2 a prior custody decree unless it has jurisdiction under the provisions of section [452.450]
3 **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were
4 unknown to the court at the time of the prior decree, that a change has occurred in the
5 circumstances of the child or his custodian and that the modification is necessary to serve the
6 best interests of the child. Notwithstanding any other provision of this section or sections
7 452.375 and 452.400, any custody order entered by any court in this state or any other state [~~prior~~
8 ~~to August 13, 1984,~~] may, subject to jurisdictional requirements, be modified to allow for joint
9 custody **or visitation only** in accordance with section 452.375, [~~without any further showing~~]
10 **452.400, 452.402, or 452.403.**

11 2. If either parent files a motion to modify an award of joint legal custody or joint
12 physical custody, each party shall be entitled to a change of judge as provided by supreme court
13 rule.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to this chapter, except abuse
5 shall not include abuse inflicted on a child by accidental means by an adult household member
6 or discipline of a child, including spanking, in a reasonable manner:

7 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
8 physical harm;

9 (b) "Battery", purposely or knowingly causing physical harm to another with or without
10 a deadly weapon;

11 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
12 which the latter has a right to abstain or to abstain from conduct in which the person has a right
13 to engage;

14 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
15 more than one incident that alarms or causes distress to an adult or child and serves no legitimate
16 purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer
17 substantial emotional distress and must actually cause substantial emotional distress to the
18 petitioner or child. Such conduct might include, but is not limited to:

19 a. Following another about in a public place or places;

20 b. Peering in the window or lingering outside the residence of another; but does not
21 include constitutionally protected activity;

22 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
23 any sexual act by force, threat of force, duress, or without that person's consent;

24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;

26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

29 (5) "Domestic violence", abuse or stalking committed by a family or household member,
30 as such terms are defined in this section;

31 (6) "Ex parte order of protection", an order of protection issued by the court before the
32 respondent has received notice of the petition or an opportunity to be heard on it;

33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;

38 (8) "Full order of protection", an order of protection issued after a hearing on the record
39 where the respondent has received notice of the proceedings and has had an opportunity to be
40 heard;

41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;

43 (10) "Pending", exists or for which a hearing date has been set;

44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking or sexual assault, or a person filing
46 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
47 provisions of section 455.020 or section 455.505;

48 (12) "Respondent", the family or household member alleged to have committed an act
49 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,
50 against whom a verified petition has been filed or a person served on behalf of a child pursuant
51 to section 455.503;

52 (13) "Sexual assault", as defined under subdivision (1) of this section;

53 (14) "Stalking" is when any person purposely engages in an unwanted course of conduct
54 that causes alarm to another person, or a person who resides together in the same household with
55 the person seeking the order of protection when it is reasonable in that person's situation to have
56 been alarmed by the conduct. As used in this subdivision:

57 (a) "Alarm" means to cause fear of danger of physical harm; and

58 (b) "Course of conduct" means ~~[a pattern of conduct composed of]~~ two or more acts
59 ~~[over a period of time, however short,] that [serves] serve~~ no legitimate purpose~~[-. Such conduct~~
60 ~~may include, but is not limited to, following the other person or unwanted communication or~~
61 ~~unwanted contact]~~ **including, but not limited to, acts in which the stalker directly, indirectly,**
62 **or through a third party follows, monitors, observes, surveils, threatens, or communicates**
63 **to a person by any action, method, or device.**

475.050. 1. Before appointing any other eligible person as guardian of an incapacitated
2 person, or conservator of a disabled person, the court shall consider the suitability of appointing
3 any of the following persons, listed in the order of priority, who appear to be willing to serve:

4 (1) If the incapacitated or disabled person is, at the time of the hearing, able to make and
5 communicate a reasonable choice, any eligible person nominated by the person;

6 (2) Any eligible person nominated in a durable power of attorney executed by the
7 incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or
8 disabled person and by two witnesses who signed at the incapacitated or disabled person's
9 request, before the inception of the person's incapacity or disability;

10 (3) The spouse, parents, adult children, adult brothers and sisters and other close adult
11 relatives of the incapacitated or disabled person;

12 (4) Any other eligible person or, with respect to the estate only, any eligible organization
13 or corporation, nominated in a duly probated will of such a spouse or relative.

14 2. The court shall not appoint an unrelated third party as a guardian or conservator unless
15 there is no relative suitable and willing to serve or if the appointment of a relative or nominee
16 is otherwise contrary to the best interests of the incapacitated or disabled person. If the
17 incapacitated or disabled person is a minor under the care of the children's division and is
18 entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or she
19 has no relative suitable and willing to serve as guardian or conservator.

20 3. Except for good cause shown, the court shall make its appointment in accordance with
21 the incapacitated or disabled person's most recent valid nomination of an eligible person
22 qualified to serve as guardian of the person or conservator of the estate.

23 4. Except for those individuals specified in subdivisions (1) and (2) of this subsection,
24 the court shall require all guardians and conservators who are seeking appointment and who have
25 a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to submit at
26 their own expense to a background screening that shall include the disqualification lists of the
27 departments of mental health, social services, and health and senior services; the abuse and
28 neglect registries for adults and children; a Missouri criminal record review; and the sexual
29 offender registry. Individuals seeking appointment as a conservator shall also submit, at their
30 own expense, to a credit history investigation. The nominated guardian or conservator shall file
31 the results of the reports with the court at least ten days prior to the appointment hearing date
32 unless waived or modified by the court for good cause shown by an affidavit filed simultaneously
33 with the petition for appointment or in the event the protected person requests an expedited
34 hearing. The provisions of this subsection shall not apply to:

35 (1) Public administrators; or

36 (2) The ward's, incapacitated person's, or disabled person's spouse, parents, children who
37 have reached eighteen years of age, ~~or~~ siblings who have reached eighteen years of age, **or**
38 **grandparents seeking guardianship or conservatorship of a minor grandchild, unless such**
39 **background reports are requested by any other party to the proceeding, the guardian ad**
40 **litem for the minor child, or otherwise ordered by the court on its own motion.**

41 5. Guardians certified by a national accrediting organization may file proof of
42 certification in lieu of the requirements of subsections 4 and 6 of this section.

43 6. An order appointing a guardian or conservator shall not be signed by the judge until
44 such reports have been filed with the court and reviewed by the judge, who shall consider the
45 reports in determining whether to appoint a guardian or conservator. Such reports, or lack

46 thereof, shall be certified either by an affidavit or by obtaining a certified copy of the reports.
47 No reports or national criminal history record check shall be required by the court upon the
48 application of a petitioner for an emergency temporary guardianship or emergency temporary
49 conservatorship. The court may waive the requirements of this subsection for good cause shown.
50 If appointed, a guardian or conservator may petition the court for reimbursement of the
51 reasonable expenses of the credit history investigation and background screenings.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates or containing, as of January
5 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental
6 health facility operated by the department of mental health which houses persons found not guilty
7 of a crime by reason of mental disease or defect under chapter 552 and provides sex offender
8 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the
9 presiding judge in the administration of the judicial business of the circuit by overseeing the
10 physical security of ~~[the courthouse,]~~ **court facilities, including courtrooms, jury rooms, and**
11 **chambers or offices of the court;** serving court-generated papers and orders~~;~~ ; and assisting
12 the judges of the circuit as the presiding judge determines appropriate. Such circuit court
13 marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the
14 presiding judge. The circuit court marshal authorized by this section is in addition to staff
15 support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any
16 other staff personnel which may otherwise be provided by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall
24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These
2 judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007,
3 there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in
4 divisions numbered one, two, three, four, five, and seven. The division five associate circuit
5 judge position and the division seven associate circuit judge position shall become circuit judge
6 positions beginning January 1, 2007, and shall be numbered as divisions five and seven.
7 **Beginning January 1, 2023, there shall be seven circuit judges in the eleventh judicial**
8 **circuit, and these judges shall sit in divisions numbered one, two, three, four, five, seven,**
9 **and fifteen.**

10 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
11 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.
12 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five
13 and seven shall be elected for a six-year term in 2006. **The circuit judge in division fifteen**
14 **shall be elected in 2022.**

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

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

27 5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge
28 position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016.
29 This associate circuit judgeship shall not be included in the statutory formula for authorizing
30 additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019,
31 there shall be one additional associate circuit judge position in the eleventh judicial circuit. The
32 associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be
33 included in the statutory formula for authorizing additional circuit judgeships per county under
34 section 478.320.

479.162. Notwithstanding any provision of law, supreme court rule, or court
2 **operating rule, in a proceeding for a municipal ordinance violation or any other proceeding**

3 before a municipal court if the charge carries the possibility of fifteen days or more in jail
4 or confinement, a defendant shall not be charged any fee for obtaining a police report or
5 probable cause statement. Such police report or probable cause statement shall be
6 provided by the prosecutor upon written request by the defendant for discovery.

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985,
3 and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405[.].

6 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,
7 shall be adjusted upon meeting the minimum number of cumulative years of service as a
8 court reporter with a circuit court of this state by the following schedule:

9 (1) For each court reporter with zero to five years of service: the annual salary
10 shall be increased only by any salary adjustment provided by section 476.405;

11 (2) For each court reporter with six to ten years of service: the annual salary shall
12 be increased by five and one-quarter percent;

13 (3) For each court reporter with eleven to fifteen years of service: the annual salary
14 shall be increased by eight and one-quarter percent;

15 (4) For each court reporter with sixteen to twenty years of service: the annual
16 salary shall be increased by eight and one-half percent; or

17 (5) For each court reporter with twenty-one or more years of service: the annual
18 salary shall be increased by eight and three-quarters percent.

19

20 A court reporter may receive multiple adjustments under this subsection as his or her
21 cumulative years of service increase, but only one percentage listed in subdivisions (1) to
22 (5) of this subsection shall apply to the annual salary at a time.

23 4. Salaries shall be payable in equal monthly installments on the certification of the
24 judge of the court or division in whose court the reporter is employed. ~~When~~ If paid by the
25 state, the salaries of such court reporters shall be paid in semimonthly or monthly installments,
26 as designated by the commissioner of administration.

488.016. Notwithstanding any supreme court rule or any provision of law to the
2 contrary, costs shall be fully waived for any person who is an honorably discharged
3 veteran of any branch of the Armed Forces of the United States and who successfully
4 completes a veterans treatment court, as defined under section 478.001.

491.016. 1. A statement made by a witness that is not otherwise admissible is
2 admissible in evidence in a criminal proceeding as substantive evidence to prove the truth

3 of the matter asserted if, after a hearing, the court finds, by a preponderance of the
4 evidence, that:

5 (1) The defendant engaged in or acquiesced to wrongdoing with the purpose of
6 causing the unavailability of the witness;

7 (2) The wrongdoing in which the defendant engaged or acquiesced has caused or
8 substantially contributed to cause the unavailability of the witness;

9 (3) The state exercised due diligence to secure by subpoena or other means the
10 attendance of the witness at the proceeding, or the witness is unavailable because the
11 defendant caused or acquiesced in the death of the witness; and

12 (4) The witness fails to appear at the proceeding.

13 2. In a jury trial, the hearing and finding to determine the admissibility of the
14 statement shall be held and found outside the presence of the jury and before the case is
15 submitted to the jury.

494.455. 1. Each county or city not within a county may elect to compensate its jurors
2 pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this
3 section.

4 2. Each grand and petit juror shall receive six dollars per day, for every day he or she
5 may actually serve as such, and seven cents for every mile he or she may necessarily travel going
6 from his or her place of residence to the courthouse and returning, to be paid from funds of the
7 county or a city not within a county. The governing body of each county or a city not within a
8 county may authorize additional daily compensation and mileage allowance for jurors, which
9 additional compensation shall be paid from the funds of the county or a city not within a county.
10 The governing body of each county or a city not within a county may authorize additional daily
11 compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive
12 the additional compensation and mileage allowance authorized by this subsection only if the
13 governing body of the county or the city not within a county authorizes the additional
14 compensation. The provisions of this subsection authorizing additional compensation shall
15 terminate upon the issuance of a mandate by the Missouri supreme court which results in the
16 state of Missouri being obligated or required to pay any such additional compensation even if
17 such additional compensation is formally approved or authorized by the governing body of a
18 county or a city not within a county. Provided that a county or a city not within a county
19 authorizes daily compensation payable from county or city funds for jurors who serve in that
20 county pursuant to this subsection in the amount of at least six dollars per day in addition to the
21 amount required by this subsection, a person shall receive an additional six dollars per day to be
22 reimbursed by the state of Missouri so that the total compensation payable shall be at least
23 eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a

24 particular case; or for each day that a person actually serves as a grand juror during a term of a
25 grand jury. The state shall reimburse the county for six dollars of the additional juror
26 compensation provided by this subsection.

27 3. **(1)** In any county of the first classification without a charter form of government and
28 with a population of at least two hundred thousand inhabitants, no grand or petit juror shall
29 receive compensation for the first two days of service, but shall receive fifty dollars per day for
30 the third day and each subsequent day he or she may actually serve as such, and seven cents for
31 every mile he or she may necessarily travel going from his or her place of residence to the
32 courthouse and returning, to be paid from funds of the county.

33 **(2)** Except as provided in subdivision (1) of this subsection, in any county, upon
34 adoption by the county commission, no grand or petit juror shall receive compensation for
35 the first two days of service, but shall receive fifty dollars per day for the third day and
36 each subsequent day he or she may actually serve as such, and seven cents for every mile
37 he or she may necessarily travel going from his or her place of residence to the courthouse
38 and returning, to be paid from funds of the county; except that, a county commission may
39 authorize compensation to a grand or petit juror for the first two days of service not to
40 exceed ten dollars.

41 4. When each panel of jurors summoned and attending court has completed its service,
42 the board of jury commissioners shall cause to be submitted to the governing body of the county
43 or a city not within a county a statement of fees earned by each juror. Within thirty days of the
44 submission of the statement of fees, the governing body shall cause payment to be made to those
45 jurors summoned the fees earned during their service as jurors.

550.125. 1. There is hereby created in the state treasury the "Change of Venue for
2 Capital Cases Fund", which shall consist of moneys appropriated to the fund by the
3 general assembly. The office of state courts administrator shall administer and disburse
4 moneys in the fund in accordance with subsection 2 of this section. The fund shall be a
5 dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the
6 administration of this section. Notwithstanding the provisions of section 33.080, any
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
8 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
9 manner as other funds are invested. Any interest and moneys earned on such investments
10 shall be credited to the fund.

11 2. In a capital case in which a change of venue is taken from one county to any
12 other county, at the conclusion of such case the county from which the case was transferred
13 may apply to the office of state courts administrator for the county to which the case was
14 transferred to be reimbursed from the change of venue for capital cases fund any costs

15 associated with the sequestering of jurors. The costs of reimbursement shall not exceed the
16 then-approved state rates for travel reimbursement for lodging and meals.

17 **3. Except as provided under subsection 4 of this section, the office of state courts**
18 **administrator shall develop an application process and other procedures to determine if**
19 **a county is eligible for reimbursement under this section. If a county is eligible for**
20 **reimbursement, the office of state courts administrator shall disburse such moneys to the**
21 **county as provided under subsection 4 of this section. In the event the amount disbursed**
22 **is less than the county's actual costs associated with sequestering jurors, the original county**
23 **shall reimburse the county to which the case was transferred for the difference. If the**
24 **office of state courts administrator determines a county is not eligible for reimbursement**
25 **under this section, the county in which the capital case originated shall be responsible for**
26 **reimbursement.**

27 **4. Applications for reimbursement shall be submitted by May first of the current**
28 **fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year.**
29 **Applications submitted after May first of the current fiscal year shall be reimbursed in the**
30 **following fiscal year. If the total dollar amount of the claims in a given year exceeds the**
31 **amount of money in the fund in the same year, the claims shall be reimbursed on a pro rata**
32 **basis.**

33 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
34 **created under the authority delegated in this section shall become effective only if it**
35 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
36 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
37 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
38 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
39 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**
40 **shall be invalid and void.**

559.120. The circuit court may place a defendant on probation and require his or her
2 participation in a program established pursuant to section 217.777 if, having regard to the nature
3 and circumstances of the offense and to the history and character of the defendant, the court is
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training, or other assistance, which, in his or
8 her case, can be effectively administered through participation in a community-based treatment
9 program.

10

11 **If the court holds such opinions and further finds that the defendant is the primary**
 12 **caregiver of one or more dependent children, the court shall consider requiring the**
 13 **defendant to participate in a community-based treatment program.**

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
 3 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200,
 4 use of a child in a sexual performance; section 573.205, promoting a sexual performance by a
 5 child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
 6 pornography; or section 573.040, furnishing pornographic material to minors; or

7 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
 8 violation listed in this section;

9
 10 shall not knowingly be present in or loiter within five hundred feet of any real property
 11 comprising any public park with playground equipment, a public swimming pool, [œ] **athletic**
 12 **complex or athletic fields if such facilities exist for the primary use of recreation for**
 13 **children**, any museum if such museum holds itself out to the public as and exists with the
 14 primary purpose of entertaining or educating children under eighteen years of age, **or Missouri**
 15 **department of conservation nature or education center properties.**

16 2. The first violation of the provisions of this section is a class E felony.

17 3. A second or subsequent violation of this section is a class D felony.

18 **4. Any person who has been found guilty of an offense under subdivision (1) or (2)**
 19 **of subsection 1 of this section who is the parent, legal guardian, or custodian of a child**
 20 **under the age of eighteen attending a program on the property of a nature or education**
 21 **center of the Missouri department of conservation may receive permission from the nature**
 22 **or education center manager to be present on the property with the child during the**
 23 **program.**

575.040. 1. A person commits the offense of perjury if, with the purpose to deceive, he
 2 or she knowingly testifies falsely to any material fact upon oath or affirmation legally
 3 administered, in any official proceeding before any court, public body, notary public or other
 4 officer authorized to administer oaths.

5 2. A fact is material, regardless of its admissibility under rules of evidence, if it could
 6 substantially affect, or did substantially affect, the course or outcome of the cause, matter or
 7 proceeding.

8 3. Knowledge of the materiality of the statement is not an element of this crime, and it
 9 is no defense that:

10 (1) The person mistakenly believed the fact to be immaterial; or

11 (2) The person was not competent, for reasons other than mental disability or immaturity,
12 to make the statement.

13 4. It is a defense to a prosecution under subsection 1 of this section that the person
14 retracted the false statement in the course of the official proceeding in which it was made
15 provided he or she did so before the falsity of the statement was exposed. Statements made in
16 separate hearings at separate stages of the same proceeding, including but not limited to
17 statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial,
18 are made in the course of the same proceeding.

19 5. The defendant shall have the burden of injecting the issue of retraction under
20 subsection 4 of this section.

21 6. The offense of perjury committed in any proceeding not involving a felony charge is
22 a class E felony.

23 7. The offense of perjury committed in any proceeding involving a felony charge is a
24 class D felony unless:

25 (1) It is committed during a criminal trial for the purpose of securing the conviction of
26 an accused for any felony except murder, in which case it is a class B felony; or

27 (2) It is committed during a criminal trial for the purpose of securing the conviction of
28 an accused for murder, in which case it is a class A felony.

29 **8. The offense of perjury committed in any proceeding before a body of the general**
30 **assembly is a class D felony.**

575.050. 1. A person commits the offense of making a false affidavit if, with purpose
2 to mislead any person, he or she, in any affidavit, swears falsely to a fact which is material to the
3 purpose for which said affidavit is made.

4 2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions
5 under subsection 1 of this section.

6 3. It is a defense to a prosecution under subsection 1 of this section that the person
7 retracted the false statement by affidavit or testimony but this defense shall not apply if the
8 retraction was made after:

9 (1) The falsity of the statement was exposed; or

10 (2) Any person took substantial action in reliance on the statement.

11 4. The defendant shall have the burden of injecting the issue of retraction under
12 subsection 3 of this section.

13 5. The offense of making a false affidavit is a class C misdemeanor, unless done for the
14 purpose of misleading a public servant in the performance of his or her duty, in which case it is
15 a class A misdemeanor.

16 **6. The offense of making a false affidavit when done in any proceeding before a**
17 **body of the general assembly is a class A misdemeanor.**

 575.160. 1. A person commits the offense of interference with legal process if, knowing
2 another person is authorized by law to serve process, he or she interferes with or obstructs such
3 person for the purpose of preventing such person from effecting the service of any process.

 2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant,
5 or other process or order of a court **or body of the general assembly.**

 3. The offense of interference with legal process is a class B misdemeanor.

 575.270. 1. A person commits the offense of tampering with a witness or victim if

 (1) With the purpose to induce a witness or a prospective witness to disobey a subpoena
3 or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold
4 evidence, information, or documents, or testify falsely, he or she:

 (a) Threatens or causes harm to any person or property; or

 (b) Uses force, threats or deception; or

 (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;

8 or

 (d) Conveys any of the foregoing to another in furtherance of a conspiracy; or

 (2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any
11 person who has been a victim of any crime or a person who is acting on behalf of any such
12 victim from:

 (a) Making any report of such victimization to any peace officer, state, local or federal
14 law enforcement officer, prosecuting agency, or judge;

 (b) Causing a complaint, indictment or information to be sought and prosecuted or
16 assisting in the prosecution thereof;

 (c) Arresting or causing or seeking the arrest of any person in connection with such
18 victimization.

 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless
20 the original charge is a felony, in which case tampering with a witness or victim is a class D
21 felony. Persons convicted under this section shall not be eligible for parole.

22 **3. The offense of tampering with a witness subpoenaed in a proceeding before a**
23 **body of the general assembly is a class E felony.**

 575.280. 1. A person commits the offense of acceding to corruption if he or she:

 (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts,
3 or agrees to accept any benefit, direct or indirect, on the representation or understanding that it
4 will influence his or her official action in a judicial proceeding pending in any court or before
5 such official or juror;

6 (2) Is a witness or prospective witness in any official proceeding and knowingly solicits,
 7 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
 8 that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid
 9 subpoena or other legal process, withhold evidence, information or documents, or testify falsely.
 10 2. The offense of acceding to corruption under subdivision (1) of subsection 1 of this
 11 section is a class C felony. The offense of acceding to corruption under subdivision (2) of
 12 subsection 1 of this section in a felony prosecution [øæ] , on the representation or understanding
 13 of testifying falsely, **or in a proceeding before a body of the general assembly** is a class D
 14 felony. Otherwise acceding to corruption is a class A misdemeanor.

**575.330. 1. A person commits the offense of contempt of a body of the general
 2 assembly if he or she was subpoenaed as a witness by a body of the general assembly to
 3 give testimony or to produce documents or provide other information upon any matter
 4 under inquiry before the body of the general assembly and he or she willfully:**
 5 (1) Fails to appear to testify;
 6 (2) After having appeared, refuses to answer any question pertinent to the question
 7 under inquiry; or
 8 (3) Fails to produce required documents.
 9 2. The offense of contempt of a body of the general assembly is a class A
 10 misdemeanor.
 11 3. The offense of contempt of a body of the general assembly after an order has
 12 been issued under section 21.403 is a class E felony.

576.030. 1. A person commits the offense of obstructing government operations if he
 2 or she purposely obstructs, impairs, hinders or perverts the performance of a governmental
 3 function by the use or threat of **harm, intimidation, coercion**, violence, force, or other physical
 4 interference or obstacle.
 5 2. The offense of obstructing government operations is a class [B] A misdemeanor,
 6 **unless committed against a body of the general assembly, in which case it is a class E**
 7 **felony.**

2 ~~[211.438. Expanding services from seventeen years of age to eighteen~~
 3 ~~years of age is a new service and shall not be effective until an appropriation~~
 4 ~~sufficient to fund the expanded service is provided therefor.]~~

2 ~~[211.439. The repeal and reenactment of sections 211.021, 211.031,~~
 3 ~~211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091,~~
 4 ~~211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044~~
 5 ~~shall become effective on January 1, 2021.]~~

Section B. Because immediate action is necessary to expand services from seventeen
2 years of age to eighteen years of age, the enactment of section 211.012, the repeal and
3 reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439
4 of section A of this act are deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning
6 of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections
7 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act
8 shall be in full force and effect upon its passage and approval.

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