

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

# SENATE BILL NO. 636

96TH GENERAL ASSEMBLY

2012

4054S.05T

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## AN ACT

To repeal sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, and to enact in lieu thereof thirteen new sections relating to the judiciary, with penalty provisions.

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

Section A. Sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.771, 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, to read as follows:

**21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the**

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

14 concurrence of a majority of the members shall be required for the  
15 determination of any matter within the committee's duties.

16 2. The joint committee shall:

17 (1) Make a continuing study and analysis of the state child abuse  
18 and neglect reporting and investigation system;

19 (2) Devise a plan for improving the structured decisionmaking  
20 regarding the removal of a child from a home;

21 (3) Determine the additional personnel and resources necessary  
22 to adequately protect the children of this state and improve their  
23 welfare and the welfare of families;

24 (4) Address the need for additional foster care homes and to  
25 improve the quality of care provided to abused and neglected children  
26 in the custody of the state;

27 (5) Determine from its study and analysis the need for changes  
28 in statutory law; and

29 (6) Make any other recommendation to the general assembly  
30 necessary to provide adequate protections for the children of our state.

31 3. The joint committee shall meet within thirty days after its  
32 creation and organize by selecting a chairperson and a vice  
33 chairperson, one of whom shall be a member of the senate and the  
34 other a member of the house of representatives. The chairperson shall  
35 alternate between members of the house and senate every two years  
36 after the committee's organization.

37 4. The committee shall meet at least quarterly. The committee  
38 may meet at locations other than Jefferson City when the committee  
39 deems it necessary.

40 5. The committee shall be staffed by legislative personnel as is  
41 deemed necessary to assist the committee in the performance of its  
42 duties.

43 6. The members of the committee shall serve without  
44 compensation but shall be entitled to reimbursement for actual and  
45 necessary expenses incurred in the performance of their official duties.

46 7. It shall be the duty of the committee to compile a full report  
47 of its activities for submission to the general assembly. The report  
48 shall be submitted not later than the fifteenth of January of each year  
49 in which the general assembly convenes in regular session and shall  
50 include any recommendations which the committee may have for

51 **legislative action as well as any recommendations for administrative or**  
52 **procedural changes in the internal management or organization of state**  
53 **or local government agencies and departments. Copies of the report**  
54 **containing such recommendations shall be sent to the appropriate**  
55 **directors of state or local government agencies or departments**  
56 **included in the report.**

57 **8. The provisions of this section shall expire on January 15, 2018.**

32.056. **Except for uses permitted under 18 U.S.C. Section**  
2 **2721(b)(1), the department of revenue shall not release the home address of or**  
3 **any [other] information [contained in the department's motor vehicle or driver**  
4 **registration records regarding] that identifies any vehicle owned or leased**  
5 **by any person who is a county, state or federal parole officer [or who is], a**  
6 **federal pretrial officer [or who is], a peace officer pursuant to section [590.100]**  
7 **590.010, a person vested by article V, section 1 of the Missouri**  
8 **Constitution with the judicial power of the state, a member of the**  
9 **federal judiciary, or a member of [the parole officer's, pretrial officer's or peace**  
10 **officer's] such person's immediate family contained in the department's**  
11 **motor vehicle or driver registration records, based on a specific request for**  
12 **such information from any person. Any such person [who is a county, state or**  
13 **federal parole officer or who is a federal pretrial officer or who is a peace officer**  
14 **pursuant to section 590.100] may notify the department of [such] his or her**  
15 **status and the department shall protect the confidentiality of the home address**  
16 **and vehicle records on such a person and his or her immediate family as**  
17 **required by this section. If such member of the judiciary's status changes**  
18 **and he or she and his or her immediate family do not qualify for the**  
19 **exemption contained in this subsection, such person shall notify the**  
20 **department and the department's records shall be revised. This section**  
21 **shall not prohibit the department from releasing information on a motor**  
22 **registration list pursuant to section 32.055 or from releasing information on any**  
23 **officer who holds a class A, B or C commercial driver's license pursuant to the**  
24 **Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.**

67.320. 1. Any county of the first classification with more than one  
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand  
3 two hundred inhabitants **or any county of the first classification with more**  
4 **than one hundred one thousand but fewer than one hundred fifteen**  
5 **thousand inhabitants** may prosecute and punish violations of its county orders

6 in the circuit court of such counties in the manner and to the extent herein  
7 provided or in a county municipal court if creation of a county municipal court is  
8 approved by order of the county commission. The county may adopt orders with  
9 penal provisions consistent with state law, but only in the areas of traffic  
10 violations, solid waste management, county building codes, on-site sewer  
11 treatment, zoning orders, and animal control. Any county municipal court  
12 established pursuant to the provisions of this section shall have jurisdiction over  
13 violations of that county's orders and the ordinances of municipalities with which  
14 the county has a contract to prosecute and punish violations of municipal  
15 ordinances of the municipality.

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

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

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

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

70.441. 1. As used in this section, the following terms have the following  
2 meanings:

3       (1) "Agency", the bi-state development agency created by compact under  
4 section 70.370;

5       (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or  
6 train, locomotive, or other vehicle used or held for use by the agency as a means  
7 of transportation of passengers;

8 (3) "Facilities" includes all property and equipment, including, without  
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,  
10 communication and ventilation systems, power plants, stations, terminals,  
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,  
12 parking lots and other real estate or personal property used or held for or  
13 incidental to the operation, rehabilitation or improvement of any public mass  
14 transportation system of the agency;

15 (4) "Person", any individual, firm, copartnership, corporation, association  
16 or company; and

17 (5) "Sound production device" includes, but is not limited to, any radio  
18 receiver, phonograph, television receiver, musical instrument, tape recorder,  
19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall  
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically  
23 authorized by agreement, permit, license or other writing duly signed by an  
24 authorized officer of the agency or if performed by an officer, employee or  
25 designated agent of the agency acting within the scope of his or her employment  
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or  
28 abetting another, including a minor, in any of the acts prohibited by the rules or  
29 assisting, aiding or abetting another in the avoidance of any of the requirements  
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender  
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the  
34 agency without payment of the fare or other lawful charges established by the  
35 agency. Any person on any such conveyance must have properly validated fare  
36 media in his possession. This ticket must be valid to or from the station the  
37 passenger is using, and must have been used for entry for the trip then being  
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,  
40 card or fare media to gain entry to the facilities or conveyances of, or make use  
41 of the services of, the agency, except as provided, authorized or sold by the agency  
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as

44 requiring payment to enter, either by electronic gate or parking meters, where the  
45 cost of such parking fee is visibly displayed at each location, without payment of  
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their  
48 employment, no person shall sell, provide, copy, reproduce or produce, or create  
49 any version of any token, pass, badge, ticket, document, transfer, card or any  
50 other fare media or otherwise authorize access to or use of the facilities,  
51 conveyances or services of the agency without the written permission of an  
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument  
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other  
55 access authorization or other fare media issued by the agency and valid for the  
56 place, time and manner in which used, into any fare box, pass reader, ticket  
57 vending machine, parking meter, parking gate or other fare collection instrument,  
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare  
60 media that have been forged, counterfeited, imitated, altered or improperly  
61 transferred or that have been used in a manner inconsistent with this section  
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the  
64 provision of transit service or obstruct the flow of traffic on facilities or  
65 conveyances or which would in any way interfere or tend to interfere with the  
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee  
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency  
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents  
73 requested by agency personnel acting within the scope of their employment and  
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,  
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,  
79 hazard or unsanitary condition, including, but not limited to, spitting and

80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed  
82 container of alcoholic beverage, except on premises duly licensed for the sale of  
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to  
85 function safely in the environment of the agency transit system is impaired by the  
86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically  
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe  
91 or torch, except in those areas or locations specifically authorized by the agency;  
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,  
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be  
96 carried in or on any facility or conveyance, except for law enforcement  
97 personnel. For the purposes hereof, a weapon shall include, but not be limited  
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as  
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with  
100 metal, wood impregnated with metal filings or razor blades; except that this  
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in  
102 any enclosed case, box or other container which completely conceals the item from  
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly  
105 combustible materials or radioactive materials may be carried on or in any  
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter  
108 or attempt to enter into any area not open to the public, including, but not  
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,  
110 closed-off areas, mechanical or equipment rooms, concession stands, storage  
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,  
112 garages, depots or any area marked with a sign restricting access or indicating  
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit  
115 cars, or on any other area outside any rapid transit car or bus or other

116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his  
118 or her person or extend any item, article or other substance outside of the window  
119 or door of a moving rapid transit car, bus or other conveyance operated by the  
120 agency;

121 (16) No person shall enter or leave a rapid transit car, bus or other  
122 conveyance operated by the agency except through the entrances and exits  
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except  
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and  
127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs  
129 properly harnessed and accompanying blind or hearing-impaired persons to aid  
130 such persons, or dogs accompanying trainers carrying a certificate of  
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard  
133 of the rights or safety of others or without due caution and circumspection, or at  
134 a speed in such a manner as to be likely to endanger persons or property on  
135 facilities of the agency. The speed limit on parking lots and access roads shall  
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the  
138 state, any violation of this section shall constitute a misdemeanor, and any  
139 person committing a violation thereof shall be subject to arrest and, upon  
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not  
141 less than twenty-five dollars and no greater than two hundred fifty dollars per  
142 violation, in addition to court costs. Any default in the payment of a fine imposed  
143 pursuant to this section without good cause shall result in imprisonment for not  
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any  
146 person convicted a second or subsequent time for the same offense under this  
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less  
148 than fifty dollars nor more than five hundred dollars in addition to court costs,  
149 or to undergo imprisonment for up to sixty days, or both such fine and  
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use

152 of the facilities and conveyances of the agency shall be subject to payment of such  
153 charge as part of the judgment against the violator. All proceeds from judgments  
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be  
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of  
158 guilty and findings of guilt.

159 **5. Any person who is convicted, pleads guilty, or pleads nolo**  
160 **contendere for failing to pay the proper fare, fee, or other charge for**  
161 **the use of the facilities and conveyances of the bi-state development**  
162 **agency, as described in subdivision (3) of subsection 4 of this section,**  
163 **may, in addition to the unpaid fares or charges and any fines, penalties,**  
164 **or sentences imposed by law, be required to reimburse costs**  
165 **attributable to the enforcement, investigation, and prosecution of such**  
166 **offense by the bi-state development agency. The court shall direct the**  
167 **reimbursement proceeds to the appropriate agency official.**

168 **6. (1) Stalled or disabled vehicles may be removed from the roadways of**  
169 **the agency property by the agency and parked or stored elsewhere at the risk and**  
170 **expense of the owner;**

171 (2) Motor vehicles which are left unattended or abandoned on the property  
172 of the agency for a period of over seventy-two hours may be removed as provided  
173 for in section 304.155, except that the removal may be authorized by personnel  
174 designated by the agency under section 70.378.

211.031. 1. Except as otherwise provided in this chapter, the juvenile  
2 court or the family court in circuits that have a family court as provided in  
3 sections 487.010 to 487.190 shall have exclusive original jurisdiction in  
4 proceedings:

5 (1) Involving any child or person seventeen years of age who may be a  
6 resident of or found within the county and who is alleged to be in need of care  
7 and treatment because:

8 (a) The parents, or other persons legally responsible for the care and  
9 support of the child or person seventeen years of age, neglect or refuse to provide  
10 proper support, education which is required by law, medical, surgical or other  
11 care necessary for his or her well-being; except that reliance by a parent,  
12 guardian or custodian upon remedial treatment other than medical or surgical  
13 treatment for a child or person seventeen years of age shall not be construed as

14 neglect when the treatment is recognized or permitted pursuant to the laws of  
15 this state;

16 (b) The child or person seventeen years of age is otherwise without proper  
17 care, custody or support; or

18 (c) The child or person seventeen years of age was living in a room,  
19 building or other structure at the time such dwelling was found by a court of  
20 competent jurisdiction to be a public nuisance pursuant to section 195.130;

21 (d) The child or person seventeen years of age is a child in need of mental  
22 health services and the parent, guardian or custodian is unable to afford or access  
23 appropriate mental health treatment or care for the child;

24 (2) Involving any child who may be a resident of or found within the  
25 county and who is alleged to be in need of care and treatment because:

26 (a) The child while subject to compulsory school attendance is repeatedly  
27 and without justification absent from school; or

28 (b) The child disobeys the reasonable and lawful directions of his or her  
29 parents or other custodian and is beyond their control; or

30 (c) The child is habitually absent from his or her home without sufficient  
31 cause, permission, or justification; or

32 (d) The behavior or associations of the child are otherwise injurious to his  
33 or her welfare or to the welfare of others; or

34 (e) The child is charged with an offense not classified as criminal, or with  
35 an offense applicable only to children; except that, the juvenile court shall not  
36 have jurisdiction over any child fifteen [and one-half] years of age who is alleged  
37 to have violated a state or municipal traffic ordinance or regulation, the violation  
38 of which does not constitute a felony, or any child who is alleged to have violated  
39 a state or municipal ordinance or regulation prohibiting possession or use of any  
40 tobacco product;

41 (3) Involving any child who is alleged to have violated a state law or  
42 municipal ordinance, or any person who is alleged to have violated a state law or  
43 municipal ordinance prior to attaining the age of seventeen years, in which cases  
44 jurisdiction may be taken by the court of the circuit in which the child or person  
45 resides or may be found or in which the violation is alleged to have occurred;  
46 except that, the juvenile court shall not have jurisdiction over any child fifteen  
47 [and one-half] years of age who is alleged to have violated a state or municipal  
48 traffic ordinance or regulation, the violation of which does not constitute a felony,  
49 and except that the juvenile court shall have concurrent jurisdiction with the

50 municipal court over any child who is alleged to have violated a municipal curfew  
51 ordinance, and except that the juvenile court shall have concurrent jurisdiction  
52 with the circuit court on any child who is alleged to have violated a state or  
53 municipal ordinance or regulation prohibiting possession or use of any tobacco  
54 product;

55 (4) For the adoption of a person;

56 (5) For the commitment of a child or person seventeen years of age to the  
57 guardianship of the department of social services as provided by law; and

58 (6) Involving an order of protection pursuant to chapter 455 when the  
59 respondent is less than seventeen years of age.

60 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child  
61 or person seventeen years of age who resides in a county of this state shall be  
62 made as follows:

63 (1) Prior to the filing of a petition and upon request of any party or at the  
64 discretion of the juvenile officer, the matter in the interest of a child or person  
65 seventeen years of age may be transferred by the juvenile officer, with the prior  
66 consent of the juvenile officer of the receiving court, to the county of the child's  
67 residence or the residence of the person seventeen years of age for future action;

68 (2) Upon the motion of any party or on its own motion prior to final  
69 disposition on the pending matter, the court in which a proceeding is commenced  
70 may transfer the proceeding of a child or person seventeen years of age to the  
71 court located in the county of the child's residence or the residence of the person  
72 seventeen years of age, or the county in which the offense pursuant to subdivision  
73 (3) of subsection 1 of this section is alleged to have occurred for further action;

74 (3) Upon motion of any party or on its own motion, the court in which  
75 jurisdiction has been taken pursuant to subsection 1 of this section may at any  
76 time thereafter transfer jurisdiction of a child or person seventeen years of age  
77 to the court located in the county of the child's residence or the residence of the  
78 person seventeen years of age for further action with the prior consent of the  
79 receiving court;

80 (4) Upon motion of any party or upon its own motion at any time following  
81 a judgment of disposition or treatment pursuant to section 211.181, the court  
82 having jurisdiction of the cause may place the child or person seventeen years of  
83 age under the supervision of another juvenile court within or without the state  
84 pursuant to section 210.570 with the consent of the receiving court;

85 (5) Upon motion of any child or person seventeen years of age or his or

86 her parent, the court having jurisdiction shall grant one change of judge pursuant  
87 to Missouri Supreme Court Rules;

88 (6) Upon the transfer of any matter, proceeding, jurisdiction or  
89 supervision of a child or person seventeen years of age, certified copies of all legal  
90 and social documents and records pertaining to the case on file with the clerk of  
91 the transferring juvenile court shall accompany the transfer.

92 3. In any proceeding involving any child or person seventeen years of age  
93 taken into custody in a county other than the county of the child's residence or  
94 the residence of a person seventeen years of age, the juvenile court of the county  
95 of the child's residence or the residence of a person seventeen years of age shall  
96 be notified of such taking into custody within seventy-two hours.

97 4. When an investigation by a juvenile officer pursuant to this section  
98 reveals that the only basis for action involves an alleged violation of section  
99 167.031 involving a child who alleges to be home schooled, the juvenile officer  
100 shall contact a parent or parents of such child to verify that the child is being  
101 home schooled and not in violation of section 167.031 before making a report of  
102 such a violation. Any report of a violation of section 167.031 made by a juvenile  
103 officer regarding a child who is being home schooled shall be made to the  
104 prosecuting attorney of the county where the child legally resides.

105 5. The disability or disease of a parent shall not constitute a basis for a  
106 determination that a child is a child in need of care or for the removal of custody  
107 of a child from the parent without a specific showing that there is a causal  
108 relation between the disability or disease and harm to the child.

217.670. 1. The board shall adopt an official seal of which the courts shall  
2 take official notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a  
4 conditional release date or revocations of a parole or conditional release shall be  
5 by a majority vote of the hearing panel members. The hearing panel shall consist  
6 of one member of the board and two hearing officers appointed by the board. A  
7 member of the board may remove the case from the jurisdiction of the hearing  
8 panel and refer it to the full board for a decision. Within thirty days of entry of  
9 the decision of the hearing panel to deny parole or to revoke a parole or  
10 conditional release, the offender may appeal the decision of the hearing panel to  
11 the board. The board shall consider the appeal within thirty days of receipt of  
12 the appeal. The decision of the board shall be by majority vote of the board  
13 members and shall be final.

14           3. The orders of the board shall not be reviewable except as to compliance  
15 with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant  
16 to such section.

17           4. The board shall keep a record of its acts and shall notify each  
18 correctional center of its decisions relating to persons who are or have been  
19 confined in such correctional center.

20           5. Notwithstanding any other provision of law, any meeting, record, or  
21 vote, of proceedings involving probation, parole, or pardon, may be a closed  
22 meeting, closed record, or closed vote.

23           **6. Notwithstanding any other provision of law, when the**  
24 **appearance or presence of an offender before the board or a hearing**  
25 **panel is required for the purpose of deciding whether to grant**  
26 **conditional release or parole, extend the date of conditional release,**  
27 **revoke parole or conditional release, or for any other purpose, such**  
28 **appearance or presence may occur by means of a videoconference at**  
29 **the discretion of the board. Victims having a right to attend parole**  
30 **hearings may testify either at the site where the board is conducting**  
31 **the videoconference or at the institution where the offender is**  
32 **located. The use of videoconferencing in this section shall be at the**  
33 **discretion of the board, and shall not be utilized if either the offender,**  
34 **the victim or the victim's family objects to it.**

          400.9-311. (a) Except as otherwise provided in subsection (d), the filing  
2 of a financing statement is not necessary or effective to perfect a security interest  
3 in property subject to:

4           (1) A statute, regulation, or treaty of the United States whose  
5 requirements for a security interest's obtaining priority over the rights of a lien  
6 creditor with respect to the property preempt section 400.9-310(a);

7           (2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304;  
8 or

9           (3) A certificate-of-title statute of another jurisdiction which provides for  
10 a security interest to be indicated on the certificate as a condition or result of the  
11 security interest's obtaining priority over the rights of a lien creditor with respect  
12 to the property.

13           (b) Compliance with the requirements of a statute, regulation, or treaty  
14 described in subsection (a) for obtaining priority over the rights of a lien creditor  
15 is equivalent to the filing of a financing statement under this article. Except as

16 otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and  
17 (e) for goods covered by a certificate of title, a security interest in property subject  
18 to a statute, regulation, or treaty described in subsection (a) may be perfected  
19 only by compliance with those requirements, and a security interest so perfected  
20 remains perfected notwithstanding a change in the use or transfer of possession  
21 of the collateral.

22 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d)  
23 and (e), duration and renewal of perfection of a security interest perfected by  
24 compliance with the requirements prescribed by a statute, regulation, or treaty  
25 described in subsection (a) are governed by the statute, regulation, or treaty. In  
26 other respects, the security interest is subject to this article.

27 (d) During any period in which collateral is inventory held for sale or  
28 lease by a person or leased by that person as lessor and that person is in the  
29 business of selling [or leasing] goods of that kind, this section does not apply to  
30 a security interest in that collateral created by that person [as debtor].

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

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

5 (2) The terms of which provide that during the joint lives of the settlors  
6 all property or interests in property transferred to, or held by, the trustee are  
7 [either]:

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

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

19 **(c) Held and administered under the terms and conditions**  
20 **contained in paragraphs (a) and (b) of this subdivision.**

21 2. A qualified spousal trust may contain any other trust terms that are

22 not inconsistent with the provisions of this section.

23           3. Property or interests in property held as tenants by the entirety by a  
24 husband and wife that is at any time transferred to the trustee of a qualified  
25 spousal trust of which the husband and wife are the settlors shall be held and  
26 administered as provided by the trust terms in accordance with [either]  
27 paragraph (a) [or], (b), **or (c)** of subdivision (2) of subsection 1 of this section, and  
28 all such property and interests in property, including the proceeds thereof, the  
29 income thereon, and any property into which such property, proceeds, or income  
30 may be converted, shall thereafter have the same immunity from the claims of the  
31 separate creditors of the settlors as would have existed if the settlors had  
32 continued to hold that property as husband and wife as tenants by the entirety,  
33 so long as:

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

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

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

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

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

57           7. This section shall apply to all trusts which fulfill the criteria set forth

58 in this section for a qualified spousal trust regardless of whether such trust was  
59 created before or after August 28, 2011.

476.055. 1. There is hereby established in the state treasury the  
2 "Statewide Court Automation Fund". All moneys collected pursuant to section  
3 488.027, as well as gifts, contributions, devises, bequests, and grants received  
4 relating to automation of judicial record keeping, and moneys received by the  
5 judicial system for the dissemination of information and sales of publications  
6 developed relating to automation of judicial record keeping, shall be credited to  
7 the fund. Moneys credited to this fund may only be used for the purposes set  
8 forth in this section and as appropriated by the general assembly. Any  
9 unexpended balance remaining in the statewide court automation fund at the end  
10 of each biennium shall not be subject to the provisions of section 33.080 requiring  
11 the transfer of such unexpended balance to general revenue; except that, any  
12 unexpended balance remaining in the fund on September 1, [2013] **2015**, shall  
13 be transferred to general revenue.

14 2. The statewide court automation fund shall be administered by a court  
15 automation committee consisting of the following: the chief justice of the supreme  
16 court, a judge from the court of appeals, four circuit judges, four associate circuit  
17 judges, four employees of the circuit court, the commissioner of administration,  
18 two members of the house of representatives appointed by the speaker of the  
19 house, two members of the senate appointed by the president pro tem of the  
20 senate and two members of the Missouri Bar. The judge members and employee  
21 members shall be appointed by the chief justice. The commissioner of  
22 administration shall serve ex officio. The members of the Missouri Bar shall be  
23 appointed by the board of governors of the Missouri Bar. Any member of the  
24 committee may designate another person to serve on the committee in place of the  
25 committee member.

26 3. The committee shall develop and implement a plan for a statewide  
27 court automation system. The committee shall have the authority to hire  
28 consultants, review systems in other jurisdictions and purchase goods and  
29 services to administer the provisions of this section. The committee may  
30 implement one or more pilot projects in the state for the purposes of determining  
31 the feasibility of developing and implementing such plan. The members of the  
32 committee shall be reimbursed from the court automation fund for their actual  
33 expenses in performing their official duties on the committee.

34 4. Any purchase of computer software or computer hardware that exceeds

35 five thousand dollars shall be made pursuant to the requirements of the office of  
36 administration for lowest and best bid. Such bids shall be subject to acceptance  
37 by the office of administration. The court automation committee shall determine  
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to  
40 change any operating system in such court, unless the committee provides all  
41 necessary personnel, funds and equipment necessary to effectuate the required  
42 changes. No judicial circuit or county may be reimbursed for any costs incurred  
43 pursuant to this subsection unless such judicial circuit or county has the approval  
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be  
46 implemented, operated and maintained in accordance with strict standards for  
47 the security and privacy of confidential judicial records. Any person who  
48 knowingly releases information from a confidential judicial record is guilty of a  
49 class B misdemeanor. Any person who, knowing that a judicial record is  
50 confidential, uses information from such confidential record for financial gain is  
51 guilty of a class D felony.

52 7. On the first day of February, May, August and November of each year,  
53 the court automation committee shall file a report on the progress of the  
54 statewide automation system with the joint legislative committee on court  
55 automation. Such committee shall consist of the following:

- 56 (1) The chair of the house budget committee;  
57 (2) The chair of the senate appropriations committee;  
58 (3) The chair of the house judiciary committee;  
59 (4) The chair of the senate judiciary committee;  
60 (5) One member of the minority party of the house appointed by the  
61 speaker of the house of representatives; and  
62 (6) One member of the minority party of the senate appointed by the  
63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed  
65 from the court automation fund for their actual expenses incurred in the  
66 performance of their official duties as members of the joint legislative committee  
67 on court automation.

68 9. Section 488.027 shall expire on September 1, [2013] **2015**. The court  
69 automation committee established pursuant to this section may continue to  
70 function until completion of its duties prescribed by this section, but shall

71 complete its duties prior to September 1, [2015] **2017**.

72 10. This section shall expire on September 1, [2015] **2017**.

479.040. 1. **(1)** Any city, town or village with a population of less than  
2 four hundred thousand may elect to have the violations of its municipal  
3 ordinances heard and determined by an associate circuit judge of the circuit in  
4 which the city, town or village, or the major geographical portion thereof, is  
5 located; provided, however, if such election is made, all violations of that  
6 municipality's ordinances shall be heard and determined before an associate  
7 circuit judge or judges. If a municipality has elected to have the violations of its  
8 municipal ordinances heard and determined by an associate circuit judge, the  
9 municipality may thereafter elect to provide for a municipal judge or judges to  
10 hear such cases; provided, however, if such later election is made, all violations  
11 of that municipality's ordinances shall be heard and determined before a  
12 municipal judge. Nothing in this subsection shall preclude the transfer or  
13 assignment of another judge to hear and determine a case or class of cases when  
14 otherwise authorized by provisions of the constitution, law, or court rule. Nothing  
15 in this section shall preclude an election made under the provisions of subsection  
16 4 of this section.

17 **(2) In lieu of electing to have all violations of municipal**  
18 **ordinances heard and determined before an associate circuit court or**  
19 **a county municipal court, a city, town, or village may, under**  
20 **subdivision (1) of this subsection, elect to have such court only hear**  
21 **and determine those violations of its municipal ordinances as may be**  
22 **designated on the information by the prosecutor as involving an**  
23 **accused with special needs due to mental disorder or mental illness, as**  
24 **defined by section 630.005, or whose special needs, circumstances, and**  
25 **charges cannot be adequately accommodated by the municipal court of**  
26 **the city, town, or village, provided that the associate circuit court or**  
27 **county municipal court has established specialized dockets or courts**  
28 **to provide such adequate accommodations and resources for**  
29 **specifically handling such matters, such as a mental health court,**  
30 **housing court, domestic violence court, family court, or DWI court, and**  
31 **such associate circuit court or county municipal court accepts such**  
32 **election by consent of the presiding judge or by county contract, as**  
33 **applicable, and further provided that upon a determination by the**  
34 **court that the accused does not have such special needs, the matter**

35 **shall be transferred back to the municipal court.**

36           2. If, after January 1, 1980, a municipality elects to have the violations  
37 of its municipal ordinances heard and determined by an associate circuit judge,  
38 the associate circuit judge or judges shall commence hearing and determining  
39 such violations six months after the municipality notifies the presiding judge of  
40 the circuit of its election. With the consent of the presiding judge, the associate  
41 circuit judge or judges may commence hearing such violations at an earlier date.

42           3. Associate circuit judges of the circuit in which the municipality, or  
43 major geographical portion thereof, is located shall hear and determine violations  
44 of municipal ordinances of any municipality with a population of under four  
45 hundred thousand for which a municipal judge is not provided.

46           4. Any city, town or village with a population of less than four hundred  
47 thousand located in a county which has created a county municipal court under  
48 the provisions of section 66.010 may elect to enter into a contract with the county  
49 to have violations of municipal ordinances prosecuted, heard, and determined in  
50 the county municipal court. If a contract is entered into under the provisions of  
51 this subsection, all violations of that municipality's ordinances shall be heard and  
52 determined in the county municipal court. The contract may provide for a  
53 transition period after an election is made under the provisions of this subsection.

483.015. 1. At the general election in the year 1982, and every four years  
2 thereafter, except as herein provided and except as otherwise provided by law,  
3 circuit clerks shall be elected by the qualified voters of each county [and of the  
4 city of St. Louis], who shall be commissioned by the governor, and shall enter  
5 upon the discharge of their duties on the first day in January next ensuing their  
6 election, and shall hold their offices for the term of four years, and until their  
7 successors shall be duly elected and qualified, unless sooner removed from office.

8           2. The court administrator for Jackson County provided by the charter of  
9 Jackson County shall be selected as provided in the county charter and shall  
10 exercise all of the powers and duties of the circuit clerk of Jackson County. The  
11 director of judicial administration and the circuit clerk of St. Louis County shall  
12 be selected as provided in the charter of St. Louis County.

13           3. When provision is made in a county charter for the appointment of a  
14 court administrator to perform the duties of a circuit clerk or for the appointment  
15 of a circuit clerk, such provisions shall prevail over the provisions of this chapter  
16 providing for a circuit clerk to be elected. The persons appointed to fill any such  
17 appointive positions shall be paid by the counties as provided by the county

18 charter or ordinance; provided, however, that if provision is now or hereafter  
19 made by law for the salaries of circuit clerks to be paid by the state, the state  
20 shall pay over to the county a sum which is equivalent to the salary that would  
21 be payable by law by the state to an elected circuit clerk in such county if such  
22 charter provision was not in effect. The sum shall be paid in semimonthly or  
23 monthly installments, as designated by the commissioner of administration.

24 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial  
25 circuit shall be appointed by a majority of the circuit judges and associate circuit  
26 judges of the circuit court, en banc. The circuit clerk in those circuits shall be  
27 removable for cause by a majority of the circuit judges and associate circuit  
28 judges of such circuit, en banc, in accordance with supreme court administrative  
29 rules governing court personnel. This subsection shall become effective on  
30 January 1, 2004, and the elected circuit clerks in those circuits in office at that  
31 time shall continue to hold such office for the remainder of their elected terms as  
32 if they had been appointed pursuant to the terms of this subsection.

33 5. **The circuit clerk in the twenty-second judicial circuit shall be**  
34 **appointed by a majority of the circuit judges and associate circuit**  
35 **judges of the circuit court, en banc. The circuit clerk in such circuit**  
36 **shall be removable for cause by a majority of the circuit judges and**  
37 **associate circuit judges of such circuit, en banc, in accordance with**  
38 **supreme court administrative rules governing court personnel. The**  
39 **elected circuit clerk in such circuit in office on the effective date of**  
40 **this section shall continue to hold such office for the remainder of his**  
41 **or her elected term.**

508.050. Suits against municipal corporations as defendant or codefendant  
2 shall be commenced only in the county in which the municipal corporation is  
3 situated, or if the municipal corporation is situated in more than one county, then  
4 suits against the municipal corporation shall be commenced only in that county  
5 wherein the seat of government of the municipal corporation is situated; except  
6 that:

7 (1) Suits may be brought against a city containing more than four  
8 hundred thousand inhabitants in any county in which any part of the city is  
9 situated; **and**

10 (2) **Suits in inverse condemnation or involving dangerous**  
11 **conditions of public property against a municipal corporation**  
12 **established under article VI, section 30(a) of the Missouri Constitution**

13 **shall be brought only in the county where such land or any part thereof**  
14 **lies.**

523.010. 1. In case land, or other property, is sought to be appropriated  
2 by any road, railroad, street railway, telephone, telegraph or any electrical  
3 corporation organized for the manufacture or transmission of electric current for  
4 light, heat or power, including the construction, when that is the case, of  
5 necessary dams and appurtenant canals, flumes, tunnels and tailraces and  
6 including the erection, when that is the case, of necessary electric steam  
7 powerhouses, hydroelectric powerhouses and electric substations or any oil,  
8 pipeline or gas corporation engaged in the business of transporting or carrying  
9 oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid  
10 underneath the surface of the ground, or other corporation created under the laws  
11 of this state for public use, and such corporation and the owners cannot agree  
12 upon the proper compensation to be paid, or in the case the owner is incapable  
13 of contracting, be unknown, or be a nonresident of the state, such corporation may  
14 apply to the circuit court of the county of this state where such land or any part  
15 thereof lies by petition setting forth the general directions in which it is desired  
16 to construct its road, railroad, street railway, telephone, or telegraph line or  
17 electric line, including, when that is the case, the construction and maintenance  
18 of necessary dams and appurtenant canals, tunnels, flumes and tailraces and,  
19 when that is the case, the appropriation of land submerged by the construction  
20 of such dam, and including the erection and maintenance, when that is the case,  
21 of necessary electric steam powerhouses, hydroelectric powerhouses and electric  
22 substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or  
23 underneath the surface of such lands, a description of the real estate, or other  
24 property, which the company seeks to acquire; the names of the owners thereof,  
25 if known; or if unknown, a pertinent description of the property whose owners are  
26 unknown and praying the appointment of three disinterested residents of the  
27 county, as commissioners, or a jury, to assess the damages which such owners  
28 may severally sustain in consequence of the establishment, erection and  
29 maintenance of such road, railroad, street railway, telephone, telegraph line, or  
30 electrical line including damages from the construction and maintenance of  
31 necessary dams and the condemnation of land submerged thereby, and the  
32 construction and maintenance of appurtenant canals, flumes, tunnels and  
33 tailraces and the erection and maintenance of necessary electric steam  
34 powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline,

35 or gas line over or underneath the surface of such lands; to which petition the  
36 owners of any or all as the plaintiff may elect of such parcels as lie within the  
37 county or circuit may be made parties defendant by names if the names are  
38 known, and by the description of the unknown owners of the land therein  
39 described if their names are unknown.

40           2. If the proceedings seek to affect the lands of persons under  
41 conservatorship, the conservators must be made parties defendant. If the present  
42 owner of any land to be affected has less estate than a fee, the person having the  
43 next vested estate in remainder may at the option of the petitioners be made  
44 party defendant; but if such remaindermen are not made parties, their interest  
45 shall not be bound by the proceedings.

46           3. It shall not be necessary to make any persons party defendants in  
47 respect to their ownership unless they are either in actual possession of the  
48 premises to be affected claiming title or having a title of the premises appearing  
49 of record upon the proper records of the county.

50           4. Except as provided in subsection 5 of this section, nothing in this  
51 chapter shall be construed to give a public utility, as defined in section 386.020,  
52 or a rural electric cooperative, as provided in chapter 394, the power to condemn  
53 property which is currently used by another provider of public utility service,  
54 including a municipality or a special purpose district, when such property is used  
55 or useful in providing utility services, if the public utility or cooperative seeking  
56 to condemn such property, directly or indirectly, will use or proposes to use the  
57 property for the same purpose, or a purpose substantially similar to the purpose  
58 **[that] for which** the property is being used by the provider of the public utility  
59 service.

60           5. A public utility or a rural electric cooperative may only condemn the  
61 property of another provider of public utility service, even if the property is used  
62 or useful in providing utility services by such provider, if the condemnation is  
63 necessary for the public purpose of acquiring a nonexclusive easement or  
64 right-of-way across the property of such provider and only if the acquisition will  
65 not materially impair or interfere with the current use of such property by the  
66 utility or cooperative and will not prevent or materially impair such provider of  
67 public utility service from any future expansion of its facilities on such property.

68           6. If a public utility or rural electric cooperative seeks to condemn the  
69 property of another provider of public utility service, and the conditions in  
70 subsection 4 of this section do not apply, this section does not limit the

71 condemnation powers otherwise possessed by such public utility or rural electric  
72 cooperative.

73       **7. Suits in inverse condemnation or involving dangerous**  
74 **conditions of public property against a municipal corporation**  
75 **established under article VI, section 30(a) of the Missouri Constitution**  
76 **shall be brought only in the county where such land or any part thereof**  
77 **lies.**

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