

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2064

102ND GENERAL ASSEMBLY

4623H.06P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 193.265, 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, 304.155, 347.143, 435.014, 477.650, 478.001, 488.040, 488.2300, 494.430, 494.455, 509.520, 600.042, and 621.045, RSMo, and to enact in lieu thereof fifty new sections relating to civil proceedings.

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

Section A. Sections 193.265, 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, 304.155, 347.143, 435.014, 477.650, 478.001, 488.040, 488.2300, 494.430, 494.455, 509.520, 600.042, and 621.045, RSMo, are repealed and fifty new sections enacted in lieu thereof, to be known as sections 193.265, 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, 304.155, 347.143, 435.300, 435.303, 435.306, 435.309, 435.312, 454.1050, 474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600, 475.063, 476.1025, 477.650, 478.001, 488.040, 488.2300, 494.430, 494.455, 509.520, 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521, 537.106, 537.580, 600.042, and 621.045, to read as follows:

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years

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.

8 of age who has come under the jurisdiction of the juvenile court under section 211.031. All
9 fees collected under this subsection shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one
12 dollar shall be credited to the endowed care cemetery audit fund, one dollar for each
13 certification or copy of death records to the Missouri state coroners' training fund established
14 in section 58.208, and three dollars for the first copy of death records and five dollars for
15 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health
16 services fund established in section 192.900. Money in the endowed care cemetery audit fund
17 shall be available by appropriation to the division of professional registration to pay its
18 expenses in administering sections 214.270 to 214.410. All interest earned on money
19 deposited in the endowed care cemetery audit fund shall be credited to the endowed care
20 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money
21 placed in the endowed care cemetery audit fund shall not be transferred and placed to the
22 credit of general revenue until the amount in the fund at the end of the biennium exceeds three
23 times the amount of the appropriation from the endowed care cemetery audit fund for the
24 preceding fiscal year. The money deposited in the public health services fund under this
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon
26 appropriation, shall be used to automate and improve the state vital records system, and
27 develop and maintain an electronic birth and death registration system. For any search of the
28 files and records, when no record is found, the state shall be entitled to a fee equal to the
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.
30 For the processing of each legitimation, adoption, court order or recording after the
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
32 certification of a vital record. Except whenever a certified copy or copies of a vital record is
33 required to perfect any claim of any person on relief, or any dependent of any person who was
34 on relief for any claim upon the government of the state or United States, the state registrar
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,
36 without any fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local registrar, the
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this
40 subsection, one dollar shall be deposited to the state department of revenue and the remainder
41 shall be deposited to the official city or county health agency. The director of revenue shall
42 credit all fees deposited to the state department of revenue under this subsection to the
43 Missouri state coroners' training fund established in section 58.208.

44 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a
46 charter form of government and with more than six hundred thousand but fewer than seven
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
48 over and above any fees required by law when a certification or copy of any marriage license
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the
50 local registrar to the county treasurer of such county and the donations so forwarded to be
51 deposited by the county treasurer into the housing resource commission fund to assist
52 homeless families and provide financial assistance to organizations addressing homelessness
53 in such county. The local registrar shall include a check-off box on the application form for
54 such copies. All fees collected under this subsection, other than the donations collected in
55 any county with a charter form of government and with more than six hundred thousand but
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued after
59 acceptance and registration with the state registrar. The fees paid to the official county health
60 agency shall be retained by the local agency for local public health purposes.

61 5. No fee under this section shall be required or collected from a parent or guardian of
62 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
63 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a
64 certification, or copy of such certification, of birth of such child or youth. An unaccompanied
65 youth shall be eligible to receive a certification or copy of his or her own birth record without
66 the consent or signature of his or her parent or guardian; provided, that only one certificate
67 under this provision shall be provided without cost to the unaccompanied or homeless youth.
68 For the issuance of any additional certificates, the statutory fee shall be paid.

69 6. (1) Notwithstanding any provision of law to the contrary, no fee shall be required
70 or collected for a certification of birth if the request is made by a victim of domestic violence
71 or abuse, as those terms are defined in section 455.010, and the victim provides
72 documentation signed by an employee, agent, or volunteer of a victim service provider, an
73 attorney, or a health care or mental health professional, from whom the victim has sought
74 assistance relating to the domestic violence or abuse. Such documentation shall state that,
75 under penalty of perjury, the employee, agent, or volunteer of a victim service provider, the
76 attorney, or the health care or mental health professional believes the victim has been
77 involved in an incident of domestic violence or abuse.

78 (2) A victim may be eligible only one time for a fee waiver under this subsection.

79 **7. No fee shall be required or collected for a certification of birth, death, or**
80 **marriage if the request for certification is made by a prosecuting attorney, a circuit**
81 **attorney, or the attorney general.**

287.200. 1. Compensation for permanent total disability shall be paid during the
2 continuance of such disability from the date of maximum medical improvement for the
3 lifetime of the employee at the weekly rate of compensation in effect under this subsection on
4 the date of the injury for which compensation is being made. The word "employee" as used
5 in this section shall not include the injured worker's dependents, estate, or other persons to
6 whom compensation may be payable as provided in subsection 1 of section 287.020. The
7 amount of such compensation shall be computed as follows:

8 (1) For all injuries occurring on or after September 28, 1983, but before September
9 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds
10 percent of the injured employee's average weekly earnings during the year immediately
11 preceding the injury, as of the date of the injury; provided that the weekly compensation paid
12 under this subdivision shall not exceed an amount equal to seventy percent of the state
13 average weekly wage, as such wage is determined by the division of employment security, as
14 of the July first immediately preceding the date of injury;

15 (2) For all injuries occurring on or after September 28, 1986, but before August 28,
16 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent
17 of the injured employee's average weekly earnings during the year immediately preceding the
18 injury, as of the date of the injury; provided that the weekly compensation paid under this
19 subdivision shall not exceed an amount equal to seventy-five percent of the state average
20 weekly wage, as such wage is determined by the division of employment security, as of the
21 July first immediately preceding the date of injury;

22 (3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991,
23 the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the
24 injured employee's average weekly earnings as of the date of the injury; provided that the
25 weekly compensation paid under this subdivision shall not exceed an amount equal to one
26 hundred percent of the state average weekly wage;

27 (4) For all injuries occurring on or after August 28, 1991, the weekly compensation
28 shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average
29 weekly earnings as of the date of the injury; provided that the weekly compensation paid
30 under this subdivision shall not exceed an amount equal to one hundred five percent of the
31 state average weekly wage;

32 (5) For all injuries occurring on or after September 28, 1981, the weekly
33 compensation shall in no event be less than forty dollars per week.

34 2. Permanent total disability benefits that have accrued through the date of the injured
35 employee's death are the only permanent total disability benefits that are to be paid in
36 accordance with section 287.230. The right to unaccrued compensation for permanent total
37 disability of an injured employee terminates on the date of the injured employee's death in
38 accordance with section 287.230, and does not survive to the injured employee's dependents,
39 estate, or other persons to whom compensation might otherwise be payable.

40 3. **(1)** All claims for permanent total disability shall be determined in accordance
41 with the facts. ~~[When an injured employee receives an award for permanent total disability
42 but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is
43 restored to his or her regular work or its equivalent, the life payment mentioned in subsection
44 1 of this section shall be suspended during the time in which the employee is restored to his or
45 her regular work or its equivalent.]~~ The employer and the division shall keep the file open in
46 the case during the lifetime of any injured employee who has received an award of permanent
47 total disability.

48 **(2) When an injured employee receives an award for permanent total disability
49 but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee
50 is restored to his or her regular work or its equivalent, the life payment mentioned in
51 subsection 1 of this section shall be suspended during the time in which the employee is
52 restored to his or her regular work or its equivalent.** In any case where the life payment is
53 suspended under this ~~[subsection]~~ **subdivision**, the commission may at reasonable times
54 review the case and either the employee or the employer may request an informal conference
55 with the commission relative to the resumption of the employee's weekly life payment in the
56 case.

57 **(3) Upon filing of a written agreement signed by the claimant and his or her
58 attorney, the commission shall change the name, information, or fee arrangement of the
59 attorney or law firm associated with the claimant's case.**

60 4. For all claims filed on or after January 1, 2014, for occupational diseases due to
61 toxic exposure which result in a permanent total disability or death, benefits in this chapter
62 shall be provided as follows:

63 (1) Notwithstanding any provision of law to the contrary, such amount as due to the
64 employee during said employee's life as provided for under this chapter for an award of
65 permanent total disability and death, except such amount shall only be paid when benefits
66 under subdivisions (2) and (3) of this subsection have been exhausted;

67 (2) For occupational diseases due to toxic exposure, but not including mesothelioma,
68 an amount equal to two hundred percent of the state's average weekly wage as of the date of
69 diagnosis for one hundred weeks paid by the employer; and

70 (3) In cases where occupational diseases due to toxic exposure are diagnosed to be
71 mesothelioma:

72 (a) For employers that have elected to accept mesothelioma liability under this
73 subsection, an additional amount of three hundred percent of the state's average weekly wage
74 for two hundred twelve weeks shall be paid by the employer or group of employers such
75 employer is a member of. Employers that elect to accept mesothelioma liability under this
76 subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by
77 becoming a member of a group insurance pool. A group of employers may enter into an
78 agreement to pool their liabilities under this subsection. If such group is joined, individual
79 members shall not be required to qualify as individual self-insurers. Such group shall comply
80 with section 287.223. In order for an employer to make such an election, the employer shall
81 provide the department with notice of such an election in a manner established by the
82 department. The provisions of this paragraph shall expire on December 31, 2038; or

83 (b) For employers who reject mesothelioma under this subsection, then the exclusive
84 remedy provisions under section 287.120 shall not apply to such liability. The provisions of
85 this paragraph shall expire on December 31, 2038; and

86 (4) The provisions of subdivision (2) and paragraph (a) of subdivision (3) of this
87 subsection shall not be subject to suspension of benefits as provided in subsection 3 of this
88 section; and

89 (5) Notwithstanding any other provision of this chapter to the contrary, should the
90 employee die before the additional benefits provided for in subdivision (2) and paragraph (a)
91 of subdivision (3) of this subsection are paid, the additional benefits are payable to the
92 employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to
93 benefits provided under section 287.240. If there is no surviving spouse or children and the
94 employee has received less than the additional benefits provided for in subdivision (2) and
95 paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits
96 shall be paid as a single payment to the estate of the employee;

97 (6) The provisions of subdivision (1) of this subsection shall not be construed to
98 affect the employee's ability to obtain medical treatment at the employer's expense or any
99 other benefits otherwise available under this chapter.

100 5. Any employee who obtains benefits under subdivision (2) of subsection 4 of this
101 section for acquiring asbestosis who later obtains an award for mesothelioma shall not receive
102 more benefits than such employee would receive having only obtained benefits for
103 mesothelioma under this section.

287.470. 1. Upon its own motion or upon the application of any party in interest on
2 the ground of a change in condition, the commission may at any time upon a rehearing after
3 due notice to the parties interested review any award and on such review may make an award

4 ending, diminishing or increasing the compensation previously awarded, subject to the
5 maximum or minimum provided in this chapter, and shall immediately send to the parties and
6 the employer's insurer a copy of the award. No such review shall affect such award as regards
7 any moneys paid.

8 **2. Upon the filing of a written agreement signed by the claimant and his or her**
9 **attorney, the commission shall change the name, information, or fee arrangement of the**
10 **attorney or law firm associated with the claimant's case.**

287.610. 1. After August 28, 2005, the division may appoint additional
2 administrative law judges for a maximum of forty authorized administrative law judges.
3 Appropriations shall be based upon necessity, measured by the requirements and needs of
4 each division office. Administrative law judges shall be duly licensed lawyers under the laws
5 of this state. Administrative law judges shall not practice law or do law business and shall
6 devote their whole time to the duties of their office. The director of the division of workers'
7 compensation shall publish and maintain on the division's website the appointment dates or
8 initial dates of service for all administrative law judges.

9 ~~2. [The thirteen administrative law judges with the most years of service shall be~~
10 ~~subject to a retention vote on August 28, 2008. The next thirteen administrative law judges~~
11 ~~with the most years of service in descending order shall be subject to a retention vote on~~
12 ~~August 28, 2012. Administrative law judges appointed and not previously referenced in this~~
13 ~~subsection shall be subject to a retention vote on August 28, 2016. Subsequent retention~~
14 ~~votes shall be held every twelve years. Any administrative law judge who has received two~~
15 ~~or more votes of no confidence under performance audits by the committee shall not receive a~~
16 ~~vote of retention.]~~

17 ~~3. The administrative law judge review committee members shall not have any direct~~
18 ~~or indirect employment or financial connection with a workers' compensation insurance~~
19 ~~company, claims adjustment company, health care provider nor be a practicing workers'~~
20 ~~compensation attorney. All members of the committee shall have a working knowledge of~~
21 ~~workers' compensation.]~~

22 ~~4. The committee shall within thirty days of completing each performance audit make~~
23 ~~a recommendation of confidence or no confidence for each administrative law judge.]~~

24 ~~5.]~~ The administrative law judges appointed by the division shall only have
25 jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction
26 upon any review hearing, either in the way of an appeal from an original hearing or by way of
27 reopening any prior award, except to correct a clerical error in an award or settlement if the
28 correction is made by the administrative law judge within twenty days of the original award
29 or settlement. The labor and industrial relations commission may remand any decision of an
30 administrative law judge for a more complete finding of facts. The commission may also

31 correct a clerical error in awards or settlements within thirty days of its final award. With
32 respect to original hearings, the administrative law judges shall have such jurisdiction and
33 powers as are vested in the division of workers' compensation under other sections of this
34 chapter, and wherever in this chapter the word "commission", "commissioners" or "division"
35 is used in respect to any original hearing, those terms shall mean the administrative law
36 judges appointed under this section. When a hearing is necessary upon any claim, the
37 division shall assign an administrative law judge to such hearing. Any administrative law
38 judge shall have power to approve contracts of settlement, as provided by section 287.390,
39 between the parties to any compensation claim or dispute under this chapter pending before
40 the division of workers' compensation. Any award by an administrative law judge upon an
41 original hearing shall have the same force and effect, shall be enforceable in the same manner
42 as provided elsewhere in this chapter for awards by the labor and industrial relations
43 commission, and shall be subject to review as provided by section 287.480.

44 ~~[6.]~~ 3. Any of the administrative law judges employed pursuant to this section may be
45 assigned on a temporary basis to the branch offices as necessary in order to ensure the proper
46 administration of this chapter.

47 ~~[7.]~~ 4. All administrative law judges shall be required to participate in, on a
48 continuing basis, specific training that shall pertain to those elements of knowledge and
49 procedure necessary for the efficient and competent performance of the administrative law
50 judges' required duties and responsibilities. Such training requirements shall be established
51 by the division subject to appropriations and shall include training in medical determinations
52 and records, mediation and legal issues pertaining to workers' compensation adjudication.
53 Such training may be credited toward any continuing legal education requirements.

54 ~~[8.] (1) The administrative law judge review committee shall conduct a performance~~
55 ~~audit of all administrative law judges every two years. The audit results, stating the~~
56 ~~committee's recommendation of confidence or no confidence of each administrative law~~
57 ~~judge shall be sent to the governor no later than the first week of each legislative session~~
58 ~~immediately following such audit. Any administrative law judge who has received three or~~
59 ~~more votes of no confidence under two successive performance audits by the committee may~~
60 ~~have their appointment immediately withdrawn.~~

61 ~~(2) The review committee shall consist of one member appointed by the president pro~~
62 ~~tem of the senate, one member appointed by the minority leader of the senate, one member~~
63 ~~appointed by the speaker of the house of representatives, and one member appointed by the~~
64 ~~minority leader of the house of representatives. The governor shall appoint to the committee~~
65 ~~one member selected from the commission on retirement, removal, and discipline of judges.~~
66 ~~This member shall act as a member ex officio and shall not have a vote in the committee. The~~
67 ~~committee shall annually elect a chairperson from its members for a term of one year. The~~

68 ~~term of service for all members shall be two years. The review committee members shall all~~
69 ~~serve without compensation. Necessary expenses for review committee members and all~~
70 ~~necessary support services to the review committee shall be provided by the division.]~~

71 **5. The director of the division may file a complaint with the administrative**
72 **hearing commission seeking to remove an administrative law judge from office for one**
73 **or any combination of causes stated in subsection 6 of this section. Prior to the filing of**
74 **the complaint, the director shall notify the administrative law judge in writing of the**
75 **reasons for the complaint. The administrative law judge shall have ninety days from the**
76 **day the complaint was made to remedy the complained of behavior if the reason for the**
77 **complaint is willful neglect or incompetency.**

78 **6. If the reasons for the complaint are willful neglect or incompetency, and they**
79 **have not been remedied after ninety days, the director may file the complaint with the**
80 **administrative hearing commission as provided by chapter 621. The director may cause**
81 **a complaint to be filed with the administrative hearing commission as provided by**
82 **chapter 621 against any administrative law judge for any one or any combination of the**
83 **following causes: the administrative law judge has committed any criminal offense,**
84 **regardless of whether a criminal charge has been filed, has been convicted, or has**
85 **entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of**
86 **any state, the United States, or of any country, regardless of whether sentence is imposed**
87 **or is guilty of misconduct, habitual intoxication, willful neglect of duty, corruption in**
88 **office, or incompetency, or has committed any act that involves moral turpitude or**
89 **oppression in office.**

90 **7. After the filing of such complaint before the administrative hearing**
91 **commission, the proceedings shall be conducted in accordance with the provisions of**
92 **chapter 621. Upon a finding by the administrative hearing commission that:**

93 **(1) The grounds, provided in subsection 6 of this section, for disciplinary action**
94 **are met, the director may, singly or in combination, issue the following disciplinary**
95 **actions against the administrative law judge: removal from office, suspension from the**
96 **performance of duties for a period of time, or other discipline as determined by the**
97 **director. The director shall make a record of written findings of fact and conclusions of**
98 **law with respect to the issues and shall put a copy of such record in the administrative**
99 **law judge's permanent file; or**

100 **(2) There are no grounds for disciplinary action, the administrative law judge**
101 **shall immediately resume duties and shall receive any attorney's fees due under section**
102 **536.087.**

103 **8. Notwithstanding the foregoing provisions of this section, the following events**
104 **or acts by an administrative law judge are deemed to be an immediate threat to the**

105 **administration of the provisions of chapter 287 and shall be considered cause for**
 106 **suspension with pay of the administrative law judge without notice, at the discretion of**
 107 **the director:**

108 **(1) A crime for which the administrative law judge is being held without bond**
 109 **for a period of more than fourteen days;**

110 **(2) Suspension or revocation of a license to practice law; or**

111 **(3) A declaration of incapacity by a court of competent jurisdiction.**

112 9. No rule or portion of a rule promulgated pursuant to the authority of this section
 113 shall become effective unless it has been promulgated pursuant to the provisions of chapter
 114 536.

287.615. 1. The division may appoint or employ such persons as may be necessary to
 2 the proper administration of this chapter. All salaries to clerical employees shall be fixed by
 3 the division and approved by the labor and industrial relations commission. Beginning
 4 January 1, 2006, the annual salary of each administrative law judge, administrative law judge
 5 in charge, and chief legal counsel shall be as follows:

6 ~~(1) [For any chief legal counsel located at the division office in Jefferson City,~~
 7 ~~Missouri, compensation at two thousand dollars above eighty percent of the rate at which an~~
 8 ~~associate circuit judge is compensated;~~

9 ~~(2)]~~ For each administrative law judge, compensation at ninety percent of the rate at
 10 which an associate division circuit judge is compensated;

11 ~~[(3)]~~ (2) For each administrative law judge in charge, compensation at the same rate
 12 as an administrative law judge plus five thousand dollars.

13

14 **Administrative law judges' and chief administrative law judges' compensation shall be**
 15 **determined solely by the rate outlined in this section and shall not increase when pay**
 16 **raises for executive employees are appropriated.**

17 2. The salary of the director of the division of workers' compensation shall be set by
 18 the director of the department of labor and industrial relations, but shall not be less than the
 19 salary plus two thousand dollars of an administrative law judge in charge. The appointees in
 20 each classification shall be selected as nearly as practicable in equal numbers from each of the
 21 two political parties casting the highest and the next highest number of votes for governor in
 22 the last preceding state election.

287.812. As used in sections 287.812 to 287.855, unless the context clearly requires
 2 otherwise, the following terms shall mean:

3 (1) "Administrative law judge", any person appointed pursuant to section 287.610 or
 4 section 621.015, or any person who hereafter may have by law all of the powers now vested

5 by law in administrative law judges appointed under the provisions of the workers'
6 compensation law;

7 (2) "Beneficiary", a surviving spouse married to the deceased administrative law
8 judge or legal advisor of the division of workers' compensation continuously for a period of at
9 least two years immediately preceding the administrative law judge's or legal advisor's death
10 and also on the day of the last termination of such person's employment as an administrative
11 law judge or legal advisor for the division of workers' compensation, or if there is no
12 surviving spouse eligible to receive benefits, any minor child of the deceased administrative
13 law judge or legal advisor, or any child of the deceased administrative law judge or legal
14 advisor who, regardless of age, is unable to support himself because of intellectual disability,
15 disease or disability, or any physical handicap or disability, who shall share in the benefits on
16 an equal basis with all other beneficiaries;

17 (3) "Benefit", a series of equal monthly payments payable during the life of an
18 administrative law judge or legal advisor of the division of workers' compensation retiring
19 pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as
20 provided in sections 287.812 to 287.850;

21 (4) "Board", the board of trustees of the Missouri state employees' retirement system;

22 (5) [~~"Chief legal counsel", any person appointed or employed under section 287.615~~
23 ~~to serve in the capacity of legal counsel to the division;~~

24 (6) "Division", the division of workers' compensation of the state of Missouri;

25 (7) "Legal advisor", any person appointed or employed pursuant to section
26 287.600, 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate
27 administrative law judge and any person appointed pursuant to section 286.010 or pursuant to
28 section 295.030, and any attorney or legal counsel appointed or employed pursuant to section
29 286.070;

30 (8) "Salary", the total annual compensation paid for personal services as an
31 administrative law judge or legal advisor, or both, of the division of workers' compensation
32 by the state or any of its political subdivisions.

287.835. [~~1. No benefits provided pursuant to sections 287.812 to 287.855 shall be
2 paid to any person who has been removed from office by impeachment or for misconduct, nor
3 to any person who has been disbarred from the practice of law, nor to the beneficiary of any
4 such persons.~~

5 2.] The board of trustees of the Missouri state employees' retirement system shall
6 cease paying benefits to any beneficiary of an administrative law judge or legal advisor who
7 is charged with the intentional killing of the administrative law judge or legal advisor without
8 legal excuse or justification. A beneficiary who is convicted of such charges shall no longer
9 be entitled to receive benefits. If the beneficiary is not convicted of such charge, the board

10 shall resume payment of benefits and shall pay the beneficiary any benefits that were
11 suspended pending resolution of such charge.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an
2 officer of a government agency where that agency's real property is concerned, may authorize
3 a towing company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten
6 hours, or immediately if a law enforcement officer determines that the abandoned property is
7 a serious hazard to other motorists, provided that commercial motor vehicles not hauling
8 materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this
9 subdivision to a place of safety until the owner or owner's representative has had a reasonable
10 opportunity to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended
12 for twenty-four hours, or after four hours if a law enforcement officer determines that the
13 abandoned property is a serious hazard to other motorists, provided that commercial motor
14 vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be
15 removed under this subdivision to a place of safety until the owner or owner's representative
16 has had a reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized
18 area, left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than twenty-four hours; provided that commercial
21 motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only
22 be removed under this subdivision to a place of safety until the owner or owner's
23 representative has had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or
25 bridge if the abandoned property is left in a position or under such circumstances as to
26 obstruct the normal movement of traffic where there is no reasonable indication that the
27 person in control of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080;

29 (4) Any abandoned property which has been reported as stolen or taken without
30 consent of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested
32 for an alleged offense for which the officer takes the person into custody and where such
33 person is unable to arrange for the property's timely removal;

34 (6) Any abandoned **or derelict** property which due to any other state law or local
35 ordinance is subject to **civil forfeiture and towing under section 513.607** because of the
36 owner's outstanding traffic or parking violations;

37 (7) Any abandoned property left unattended in violation of a state law or local
38 ordinance where signs have been posted giving notice of the law or where the violation causes
39 a safety hazard;

40 (8) Any abandoned property illegally left standing on the waters of this state as
41 defined in section 306.010 where the abandoned property is obstructing the normal movement
42 of traffic, or where the abandoned property has been unattended for more than ten hours or is
43 floating loose on the water; or

44 (9) Any abandoned property for which the person operating such property or vehicle
45 eludes arrest for an alleged offense for which the officer would have taken the offender into
46 custody.

47 2. The department of transportation or any law enforcement officer within the
48 officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned
49 or partially dismantled property, spilled cargo or other personal property from the right-of-
50 way of any interstate highway, freeway, or state highway if the abandoned property, cargo or
51 personal property is creating a traffic hazard because of its position in relation to the interstate
52 highway, freeway, or state highway. In the event the property creating a traffic hazard is a
53 commercial motor vehicle, as defined in section 302.700, the department's authority under
54 this subsection shall be limited to authorizing a towing company to remove the commercial
55 motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or
56 the owner's designated representative shall have a reasonable opportunity to contact a towing
57 company of choice. The provisions of this subsection shall not apply to vehicles transporting
58 any material which has been designated as hazardous under Section 5103(a) of Title 49,
59 U.S.C.

60 3. Any law enforcement agency authorizing a tow pursuant to this section in which
61 the abandoned property is moved from the immediate vicinity shall complete a crime inquiry
62 and inspection report. Any state or federal government agency other than a law enforcement
63 agency authorizing a tow pursuant to this section in which the abandoned property is moved
64 away from the immediate vicinity in which it was abandoned shall report the towing to the
65 state highway patrol or water patrol within two hours of the tow along with a crime inquiry
66 and inspection report as required in this section. Any local government agency, other than a
67 law enforcement agency, authorizing a tow pursuant to this section where property is towed
68 away from the immediate vicinity shall report the tow to the local law enforcement agency
69 within two hours along with a crime inquiry and inspection report.

70 4. Neither the law enforcement officer, government agency official nor anyone
71 having custody of abandoned property under his direction shall be liable for any damage to
72 such abandoned property occasioned by a removal authorized by this section or by ordinance
73 of a county or municipality licensing and regulating the sale of abandoned property by the
74 municipality, other than damages occasioned by negligence or by willful or wanton acts or
75 omissions.

76 5. The owner of abandoned property removed as provided in this section or in section
77 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
78 such abandoned property as provided in section 304.158.

79 6. Upon the towing of any abandoned property pursuant to this section or under
80 authority of a law enforcement officer or local government agency pursuant to section
81 304.157, the law enforcement agency that authorized such towing or was properly notified by
82 another government agency of such towing shall promptly make an inquiry with the national
83 crime information center and any statewide Missouri law enforcement computer system to
84 determine if the abandoned property has been reported as stolen and shall enter the
85 information pertaining to the towed property into the statewide law enforcement computer
86 system. If the abandoned property is not claimed within ten working days of the towing, the
87 tower who has online access to the department of revenue's records shall make an inquiry to
88 determine the abandoned property owner and lienholder, if any, of record. In the event that
89 the records of the department of revenue fail to disclose the name of the owner or any
90 lienholder of record, the tower shall comply with the requirements of subsection 3 of section
91 304.156. If the tower does not have online access, the law enforcement agency shall submit a
92 crime inquiry and inspection report to the director of revenue. A towing company that does
93 not have online access to the department's records and that is in possession of abandoned
94 property after ten working days shall report such fact to the law enforcement agency with
95 which the crime inquiry and inspection report was filed. The crime inquiry and inspection
96 report shall be designed by the director of revenue and shall include the following:

97 (1) The year, model, make and property identification number of the property and the
98 owner and any lienholders, if known;

99 (2) A description of any damage to the property noted by the officer authorizing the
100 tow;

101 (3) The license plate or registration number and the state of issuance, if available;

102 (4) The storage location of the towed property;

103 (5) The name, telephone number and address of the towing company;

104 (6) The date, place and reason for the towing of the abandoned property;

105 (7) The date of the inquiry of the national crime information center, any statewide
106 Missouri law enforcement computer system and any other similar system which has titling

107 and registration information to determine if the abandoned property had been stolen. This
108 information shall be entered only by the law enforcement agency making the inquiry;

109 (8) The signature and printed name of the officer authorizing the tow;

110 (9) The name of the towing company, the signature and printed name of the towing
111 operator, and an indicator disclosing whether the tower has online access to the department's
112 records; and

113 (10) Any additional information the director of revenue deems appropriate.

114 7. One copy of the crime inquiry and inspection report shall remain with the agency
115 which authorized the tow. One copy shall be provided to and retained by the storage facility
116 and one copy shall be retained by the towing facility in an accessible format in the business
117 records for a period of three years from the date of the tow or removal.

118 8. The owner of such abandoned property, or the holder of a valid security interest of
119 record, may reclaim it from the towing company upon proof of ownership or valid security
120 interest of record and payment of all reasonable charges for the towing and storage of the
121 abandoned property.

122 9. Any person who removes abandoned property at the direction of a law enforcement
123 officer or an officer of a government agency where that agency's real property is concerned as
124 provided in this section shall have a lien for all reasonable charges for the towing and storage
125 of the abandoned property until possession of the abandoned property is voluntarily
126 relinquished to the owner of the abandoned property or to the holder of a valid security
127 interest of record. Any personal property within the abandoned property need not be released
128 to the owner thereof until the reasonable or agreed charges for such recovery, transportation
129 or safekeeping have been paid or satisfactory arrangements for payment have been made,
130 except that any medication prescribed by a physician shall be released to the owner thereof
131 upon request. The company holding or storing the abandoned property shall either release the
132 personal property to the owner of the abandoned property or allow the owner to inspect the
133 property and provide an itemized receipt for the contents. The company holding or storing
134 the property shall be strictly liable for the condition and safe return of the personal property.
135 Such lien shall be enforced in the manner provided under section 304.156.

136 10. Towing companies shall keep a record for three years on any abandoned property
137 towed and not reclaimed by the owner of the abandoned property. Such record shall contain
138 information regarding the authorization to tow, copies of all correspondence with the
139 department of revenue concerning the abandoned property, including copies of any online
140 records of the towing company accessed and information concerning the final disposition of
141 the possession of the abandoned property.

142 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard
143 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall

144 notify the local law enforcement agency where the repossession occurred within two hours of
145 the repossession and shall further provide the local law enforcement agency with any
146 additional information the agency deems appropriate. The local law enforcement agency
147 shall make an inquiry with the national crime information center and the Missouri statewide
148 law enforcement computer system and shall enter the repossessed vehicle into the statewide
149 law enforcement computer system.

150 12. Notwithstanding the provisions of section 301.227, any towing company who has
151 complied with the notification provisions in section 304.156 including notice that any
152 property remaining unredeemed after thirty days may be sold as scrap property may then
153 dispose of such property as provided in this subsection. Such sale shall only occur if at least
154 thirty days has passed since the date of such notification, the abandoned property remains
155 unredeemed with no satisfactory arrangements made with the towing company for continued
156 storage, and the owner or holder of a security agreement has not requested a hearing as
157 provided in section 304.156. The towing company may dispose of such abandoned property
158 by selling the property on a bill of sale as prescribed by the director of revenue to a scrap
159 metal operator or licensed salvage dealer for destruction purposes only. The towing company
160 shall forward a copy of the bill of sale provided by the scrap metal operator or licensed
161 salvage dealer to the director of revenue within two weeks of the date of such sale. The
162 towing company shall keep a record of each such vehicle sold for destruction for three years
163 that shall be available for inspection by law enforcement and authorized department of
164 revenue officials. The record shall contain the year, make, identification number of the
165 property, date of sale, and name of the purchasing scrap metal operator or licensed salvage
166 dealer and copies of all notifications issued by the towing company as required in this chapter.
167 Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such
168 property as provided in section 301.227. Scrap metal operators and licensed salvage dealers
169 may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of
170 sale pursuant to this section.

347.143. 1. A limited liability company may be dissolved involuntarily by a decree
2 of the circuit court for the county in which the registered office of the limited liability
3 company is situated in an action filed by the attorney general when it is established that the
4 limited liability company:

- 5 (1) Has procured its articles of organization through fraud;
- 6 (2) Has exceeded or abused the authority conferred upon it by law;
- 7 (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal
8 manner; or
- 9 (4) By the abuse of its powers contrary to the public policy of the state, has become
10 liable to be dissolved.

11 2. On application by or for a member, the circuit court for the county in which the
12 registered office of the limited liability company is located may decree dissolution of a
13 limited liability company [~~whenever~~] **if the court determines:**

14 (1) It is not reasonably practicable to carry on the business in conformity with the
15 operating agreement;

16 (2) **Dissolution is reasonably necessary for the protection of the rights or**
17 **interests of the complaining members;**

18 (3) **The business of the limited liability company has been abandoned;**

19 (4) **The management of the limited liability company is deadlocked or subject to**
20 **internal dissension;**

21 (5) **The business operations of the limited liability company are substantially**
22 **impaired; or**

23 (6) **Those in control of the limited liability company have been found guilty of, or**
24 **have knowingly countenanced, persistent and pervasive fraud, mismanagement, or**
25 **abuse of authority.**

435.300. As used in sections 435.300 to 435.312, the following terms mean:

2 (1) **"Alternative dispute resolution communication", a statement, whether**
3 **communicated orally, in writing, or by nonverbal conduct, that is either:**

4 (a) **Related to the subject matter of the dispute and made during an alternative**
5 **dispute resolution process; or**

6 (b) **Made as part of considering, conducting, participating in, initiating,**
7 **continuing, or reconvening an alternative dispute resolution process.**

8

9 **The term "alternative dispute resolution communication" shall not include the**
10 **notifications or reports made under subsection 8 of section 435.306 or a written**
11 **agreement as described under section 435.312;**

12 (2) **"Alternative dispute resolution process", mediation, arbitration, or early**
13 **neutral evaluation used in conjunction with a pending civil action, and any other**
14 **alternative to trial that has been included in a local court rule applicable to a civil**
15 **dispute;**

16 (3) **"Arbitration", a procedure in which a neutral or panel of neutrals hears and**
17 **decides a dispute between two or more parties;**

18 (4) **"Conflict of interest", any direct or indirect financial or personal interest in**
19 **the outcome of a dispute or any existing or prior financial, business, professional,**
20 **familial, or social relationship with any participant in an alternative dispute resolution**
21 **process that is likely to affect the impartiality of the neutral or that may reasonably**
22 **create an appearance of partiality or bias;**

23 (5) "Early neutral evaluation", a process in which a neutral provides parties to a
24 dispute with a nonbinding assessment of their dispute;

25 (6) "In camera", a proceeding held in a judge's chambers or in a courtroom
26 from which the public is excluded;

27 (7) "Mandated reporter", an individual who is required to report abuse or
28 neglect under the provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115,
29 352.400, 630.162, or 630.165;

30 (8) "Mediation", a process in which a neutral facilitates communications among
31 the parties and assists the parties in their efforts to reach a voluntary agreement
32 regarding the dispute;

33 (9) "Mediator", a neutral who conducts mediation;

34 (10) "Neutral", an individual who, acting independently and not as a
35 representative, agent, or advocate of any of the parties, assists the parties in their
36 efforts to reach a resolution of their dispute through an alternative dispute resolution
37 process;

38 (11) "Participant", any person or entity, including any neutral or party, that
39 participates in an alternative dispute resolution process;

40 (12) "Party", an individual or entity named as a party in a pending civil action,
41 or in an agreement to use an alternative dispute resolution process as described under
42 sections 435.309 and 435.312;

43 (13) "Proceeding", a judicial, administrative, arbitral, or other adjudicative
44 process, including related prehearing and posthearing motions, conferences, hearings,
45 and discovery;

46 (14) "Writing" or "written", a tangible or electronic record of a communication
47 or representation, including handwriting, typewriting, printing, photostating,
48 photography, audio or video recording, and electronic communication;

49 (15) "Written agreement", a writing that:

50 (a) Contains the essential terms of an agreement; and

51 (b) Is signed, executed, or adopted by the parties by any process described under
52 subdivision (15) of this section, including electronic signatures as permitted by section
53 432.230, with the intent to sign and be bound by the writing and attached to or logically
54 associated with the writing.

435.303. 1. A court may refer any individual civil case or category of civil cases
2 to mediation or another nonbinding alternative dispute resolution process either by rule
3 or court order.

4 2. In an action referred to an alternative dispute resolution process, discovery
5 may proceed as in any other action before, during, and after the alternative dispute

6 resolution process is held. The court may stay discovery in whole or in part during the
7 pendency of an alternative dispute resolution process in order to promote savings in
8 time and expense without sacrificing the quality of justice.

9 **3. A neutral who is appointed by the court or requested by the parties to serve in**
10 **an alternative dispute resolution process under sections 435.300 to 435.312 shall avoid**
11 **any conflict of interest. If the neutral believes that no disqualifying conflict exists, the**
12 **neutral shall:**

13 **(1) Make a reasonable inquiry to determine whether there are any facts that**
14 **would cause a reasonable person to believe that the neutral has an actual or potential**
15 **conflict of interest before agreeing to serve in a matter;**

16 **(2) Disclose to the parties, as soon as practicable, facts and information relevant**
17 **to any actual or potential conflicts of interest that are reasonably known to the neutral;**
18 **and**

19 **(3) If, after accepting a designation by the parties or the court, the neutral learns**
20 **of any previously undisclosed information that could reasonably suggest a conflict of**
21 **interest, promptly disclose the information to the parties.**

22 **4. After the neutral's disclosure of a conflict, the alternative dispute resolution**
23 **process may proceed if:**

24 **(1) All parties agree in writing to service by the neutral; or**

25 **(2) An organization independently administering the alternative dispute**
26 **resolution process under rules of procedure that were adopted by a written**
27 **agreement of the parties determines under such rules that the neutral may continue**
28 **to serve.**

29 **5. Any party who believes a court-appointed neutral has a conflict of interest**
30 **may request that the neutral recuse himself or herself if a conflict is disclosed or**
31 **otherwise discovered. If the neutral declines, the party may timely file a motion with the**
32 **court for disqualification of the neutral. Failure to file a motion waives that objection.**
33 **On its own motion, the court may also review the choice of a neutral in any alternative**
34 **dispute resolution process involving a party that is not represented by counsel and**
35 **require a change of neutral if necessary to protect the rights of the unrepresented party.**

435.306. 1. Alternative dispute resolution communications shall not be
2 **admissible as evidence in any proceeding or subject to discovery, except as otherwise**
3 **provided under subsections 2, 3, and 7 of this section. Exceptions shall be narrowly**
4 **construed and only the portion of the communication necessary for the application of**
5 **the exception to the general rule of nonadmissibility shall be admitted.**

6 **2. Evidence or information that is otherwise admissible or subject to discovery,**
7 **including information that would be available to the public under sections 610.010 to**

8 **610.035, shall not become inadmissible or protected from discovery solely by reason of**
9 **its disclosure or use in an alternative dispute resolution process.**

10 **3. A court may determine to admit an alternative dispute resolution**
11 **communication upon motion of a party, which motion shall not reveal the substance**
12 **of the communication, and following a hearing only if the court finds that one or more of**
13 **the exceptions under this subsection apply and the communication is otherwise relevant**
14 **and admissible. The party seeking admission shall ensure that timely notice is given to**
15 **the neutral and parties that participated in the alternative dispute resolution process in**
16 **which the alternative dispute resolution communication was made. The hearing shall be**
17 **conducted in camera if requested by a party or if the court determines on its own motion**
18 **that an in camera proceeding is necessary to ensure the confidentiality of the**
19 **communications that are the subject to the hearing. The only exceptions to the general**
20 **rule of nonadmissibility of alternative dispute resolution communications stated under**
21 **subsection 1 of this section are as follows:**

22 **(1) The alternative dispute resolution communication was made in the presence**
23 **of a mandated reporter and pertains to abuse or neglect that such mandated reporter is**
24 **required by state law or regulation to report;**

25 **(2) The alternative dispute resolution communication is a substantial threat or**
26 **statement of a plan to inflict bodily injury capable of causing death or substantial bodily**
27 **harm that is reasonably certain to occur;**

28 **(3) The alternative dispute resolution communication is intentionally used to**
29 **plan a crime, attempt to commit an offense, or to conceal an ongoing crime or ongoing**
30 **criminal activity; or**

31 **(4) The alternative dispute resolution communication is necessary to establish or**
32 **defend against a claim of professional misconduct or malpractice that is filed against or**
33 **on behalf of a participant based on conduct occurring during the alternative dispute**
34 **resolution process.**

35 **4. The admission of evidence in a proceeding under any of the exceptions stated**
36 **under subsection 3 of this section shall not in itself render the evidence or any other**
37 **alternative dispute resolution communication discoverable or admissible for any other**
38 **purpose or proceeding.**

39 **5. Any participant in an alternative dispute resolution process has standing to**
40 **intervene in any proceeding to object to the admissibility of an alternative dispute**
41 **resolution communication made by that participant during or relating to that**
42 **alternative dispute resolution process. A neutral who participated in an alternative**
43 **dispute resolution process also has standing to intervene in any proceeding to object to**
44 **the admissibility of an alternative dispute resolution communication made by the**

45 neutral or an agent or employee of a neutral or of an organization through which the
46 neutral provided the alternative dispute resolution services for such process, but the
47 neutral is under no requirement to do so.

48 6. Except as provided under subsection 7 of this section, no neutral, agent or
49 employee of that neutral, or agent or employee of an organization through which the
50 neutral provided alternative dispute resolution services shall be subpoenaed or
51 otherwise compelled to disclose any alternative dispute resolution communication,
52 including any alternative dispute resolution communication that would otherwise fall
53 within the exceptions identified under subsection 3 of this section. No neutral who is a
54 licensed attorney, or an agent or employee of such neutral or of an organization through
55 which the neutral provided alternative dispute resolution services under sections
56 435.300 to 435.312, shall be required to disclose any alternative dispute resolution
57 communication to which a reporting obligation might otherwise apply under the rules
58 regulating the professional conduct of attorneys.

59 7. A neutral, an agent or employee of that neutral, or an agent or employee of an
60 organization through which the neutral provided the alternative dispute resolution
61 services may be subpoenaed in an action to enforce a written agreement as described
62 under subsection 2 of section 435.309, but only for the limited purpose of testifying that
63 the written agreement was signed by the parties in the presence of the neutral.

64 8. The court may request that the neutral or the parties provide the court with
65 progress reports on alternative dispute resolution processes related to pending civil
66 actions; provided that, such reports shall be limited to a statement that the matter has
67 been resolved in its entirety, partially resolved, or not resolved and whether future dates
68 for an alternative dispute resolution process are scheduled. A neutral may also report to
69 the court that a payment has not been received from one or more parties. A court shall
70 not require the disclosure of alternative dispute resolution communication in any such
71 report.

72 9. The court may order the party or parties seeking admission of an alternative
73 dispute resolution communication to pay the costs and fees of the neutral or other
74 person participating in an alternative dispute resolution process who intervenes to
75 contest the disclosure and admission of alternative dispute resolution communication or
76 who responds to a subpoena prohibited under subsection 6 of this section or a subpoena
77 under subsection 7 of this section.

 435.309. 1. Unless the parties have entered into a written agreement providing
2 for entry into a binding alternative dispute resolution process, all alternative dispute
3 resolution processes under sections 435.300 to 435.312 shall be nonbinding.

4 **2. In order to be binding on the parties, a settlement agreement that is reached in**
5 **an alternative dispute resolution process shall be in a written agreement.**

6 **3. Alternative dispute resolution processes included in consumer contracts for**
7 **goods or services in compliance with sections 435.350 to 435.470 shall be independently**
8 **administered as set forth in the contract.**

435.312. 1. Except as provided under subsection 6 of this section, sections
2 **435.300 to 435.312 shall apply only when the court has referred an alternative dispute**
3 **resolution process, either by rule or court order or when the parties enter into a written**
4 **agreement to resolve their dispute through an alternative dispute resolution process**
5 **expressly providing that sections 435.300 to 435.312 shall apply to such alternative**
6 **dispute resolution process.**

7 **2. The parties to a dispute may enter into a written agreement to attempt to**
8 **resolve their differences through an alternative dispute resolution process and may**
9 **agree that sections 435.300 to 435.312 will apply to such alternative dispute resolution**
10 **process prior to the filing of an action or after the entry of a judgment, as well as during**
11 **the pendency of an action. If the matter resolves and the parties file a case to present the**
12 **settlement for approval by the court, the case shall be exempted from any local rule that**
13 **refers a class of cases to any alternative dispute resolution process.**

14 **3. Nothing in sections 435.300 to 435.312 shall preclude any court from referring**
15 **any individual matter to a nonbinding alternative dispute resolution process so as to**
16 **effectuate the timely, fair, and efficient administration of justice.**

17 **4. Nothing in sections 435.300 to 435.312 is intended to undermine the right of**
18 **litigants to a jury trial in the event that a resolution satisfactory to the parties is not**
19 **achieved through a nonbinding alternative dispute resolution process.**

20 **5. Nothing in sections 435.300 to 435.312 shall be deemed to require:**

21 **(1) Any party or party representative who appears at an alternative dispute**
22 **resolution process in compliance with a court order to settle all or part of any claim; or**

23 **(2) Any party to attend a mediation with counsel if such party is self-**
24 **represented.**

25 **6. If the court has not referred a case to an alternative dispute resolution process**
26 **under section 435.303 or if the parties do not elect to use sections 435.300 to 435.312, the**
27 **process shall be regarded as settlement negotiations and subject to the rules of**
28 **confidentiality that generally apply to such negotiations. If the parties to the dispute**
29 **have agreed in writing to submit their dispute to such alternative dispute resolution**
30 **process but have not invoked the protections of sections 435.300 to 435.312, no person**
31 **who serves as a neutral in such process, nor any agent or employee of that person or of**
32 **an organization through which the neutral provided the alternative dispute resolution**

33 process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in
34 the process of setting up or conducting such alternative dispute resolution process. All
35 settlement agreements shall be in writing as described under sections 435.300 to 435.312.

454.1050. 1. This section shall be known and may be cited as "Bentley and
2 Mason's Law".

3 2. The court shall order a defendant convicted of the offense of driving while
4 intoxicated to pay restitution for a child whose parent or guardian died as a result of
5 such offense.

6 3. Notwithstanding any provision of law under chapter 559 relating to
7 restitution, and subject to subsection 4 of this section, the court shall determine a
8 monthly amount to be paid for the support of the child until the child reaches eighteen
9 years of age or has graduated from high school, whichever is later.

10 4. The defendant shall not be required to pay restitution under this section to an
11 individual who is nineteen years of age or older.

12 5. The court shall order the defendant to pay restitution in an amount that is
13 reasonable and necessary to support the child, considering all relevant factors,
14 including:

15 (1) The financial needs and resources of the child;

16 (2) The financial needs and resources of the surviving parent or guardian or
17 other current guardian of the child, including the state if the state is the guardian;

18 (3) The standard of living to which the child is accustomed;

19 (4) The physical and emotional condition of the child and the child's educational
20 needs;

21 (5) The child's physical and legal custody arrangements;

22 (6) The reasonable work-related child care expenses of the surviving parent or
23 guardian or other current guardian, if applicable; and

24 (7) The financial resources of the defendant.

25 6. The order of restitution under this section shall require restitution payments
26 to be:

27 (1) Delivered in the manner described under subsection 7 of this section, as
28 appropriate; and

29 (2) Directed to the parent or guardian of the child or the state, as applicable.

30 7. The order of restitution under this section shall require the defendant to:

31 (1) Make restitution directly to the person or agency that will accept and
32 forward restitution payments to the victim or other person eligible for restitution under
33 this section; or

34 **(2) Deliver the amount due as restitution to the division of probation or parole or**
35 **to the department of corrections for transfer to the victim or person or state, as**
36 **appropriate.**

37 **8. If a defendant ordered to pay restitution under this section is unable to make**
38 **the required restitution payments because the defendant is confined or imprisoned in a**
39 **correctional facility, the defendant shall begin payments no later than the first**
40 **anniversary of the date of the defendant's release from the facility. The defendant may**
41 **enter into a payment plan to address any arrearage that exists on the date of the**
42 **defendant's release. The defendant shall pay all arrearages regardless of whether the**
43 **restitution payments were scheduled to terminate while the defendant was confined or**
44 **imprisoned in the correctional facility.**

45 **9. The amount of restitution paid under this section shall be deducted from any**
46 **civil judgment against the defendant.**

47 **10. A restitution order issued under this section may be enforced by the office of**
48 **the attorney general, or by a person or a parent or guardian of the person named in the**
49 **order to receive the restitution, in the same manner as a judgment in a civil action.**

474.540. Sections 474.540 to 474.564 shall be known and may be cited as the
2 **"Missouri Electronic Wills and Electronic Estate Planning Documents Act".**

474.542. As used in sections 474.540 to 474.564, the following terms mean:

2 **(1) "Electronic", technology having electrical, digital, magnetic, wireless,**
3 **optical, electromagnetic, or similar capabilities;**

4 **(2) "Electronic presence", the relationship of two or more individuals in**
5 **different locations in real time using technology enabling live, interactive audio-visual**
6 **communication that allows for observation, direct interaction, and communication**
7 **between or among the individuals;**

8 **(3) "Electronic will", a will executed electronically in compliance with**
9 **subsection 1 of section 474.548;**

10 **(4) "Record", information that is inscribed on a tangible medium or that is**
11 **stored in an electronic or other medium and is retrievable in perceivable form;**

12 **(5) "Security procedure", a procedure to verify that an electronic signature,**
13 **record, or performance is that of a specific person or to detect a change or error in an**
14 **electronic record, including a procedure that uses an algorithm, code, identifying word**
15 **or number, encryption, or callback or other acknowledgment procedure;**

16 **(6) "Sign", with present intent to authenticate or adopt a record to:**

17 **(a) Execute or adopt a tangible symbol; or**

18 **(b) Affix to or logically associate with the record an electronic symbol or**
19 **process;**

20 (7) "State", a state of the United States, the District of Columbia, Puerto Rico,
21 the United States Virgin Islands, a federally recognized Indian tribe, or any territory or
22 insular possession subject to the jurisdiction of the United States;

23 (8) "Will", includes a codicil and any testamentary instrument that appoints an
24 executor, revokes or revises another will, nominates a guardian, or expressly excludes or
25 limits the right of an individual or class to succeed to property of the decedent passing
26 by intestate succession.

474.544. An electronic will is a will for all purposes of the laws of this state. The
2 laws of this state applicable to wills and principles of equity applies to an electronic will
3 except as modified by sections 474.540 to 474.564.

474.546. A will executed electronically but not in compliance with subsection 1 of
2 section 474.548 is an electronic will under sections 474.540 to 474.564 if executed in
3 compliance with the law of the jurisdiction where the testator is:

4 (1) Physically located when the will is signed; or

5 (2) Domiciled, or where the testator resides, when the will is signed or when the
6 testator dies.

474.548. 1. An electronic will shall be:

2 (1) A record that is readable as text at the time of signing under subdivision (2)
3 of this subsection and remains accessible as text for later reference;

4 (2) Signed by:

5 (a) The testator; or

6 (b) Another individual in the testator's name, in the testator's physical presence,
7 and by the testator's direction; and

8 (3) Signed in the physical or electronic presence of the testator by at least two
9 individuals after witnessing:

10 (a) The signing of the will under subdivision (2) of this subsection; or

11 (b) The testator's acknowledgment of the signing of the will under subdivision
12 (2) of this subsection or acknowledgment of the will.

13 2. The intent of a testator that the record under subdivision (1) of subsection 1 of
14 this section be the testator's electronic will may be established by extrinsic evidence.

15 3. In accordance with section 474.337 or 474.550, a witness to a will shall be a
16 resident of a state and physically located in a state at the time of signing if no self-
17 proving affidavit is signed contemporaneously with the execution of the electronic will.

474.550. At the time of its execution or at any subsequent date, an electronic will
2 may be made self-proved in the same manner as specified in section 474.337 or, if fewer
3 than two witnesses are physically present in the same location as the testator at the time
4 of such acknowledgments, before a remote online notary authorized to perform a

5 remote online notarization in this state under the law of any state or the United States,
6 and evidenced by a remote online notarial certificate, in form and content substantially
7 as follows, subject to the additional requirements under section 486.1165:

8 State of _____
9 County (and/or City) of _____

10 I, the undersigned notary, certify that _____, the testator, and the witnesses,
11 whose names are signed to the attached or foregoing instrument, having
12 personally appeared before me by remote online means, and having been first
13 duly sworn, each then declared to me that the testator signed and executed the
14 instrument as the testator's last will, and that the testator had willingly signed or
15 willingly directed another to sign for the testator, and that the testator executed it
16 as the testator's free and voluntary act for the purposes therein expressed; and
17 that each of the witnesses, in the presence and hearing of the testator, signed the
18 will as witness and that to the best of the witnesses' knowledge the testator was at
19 that time eighteen or more years of age, of sound mind, and under no constraint
20 or undue influence.

21 In witness thereof I have hereunto subscribed my name and affixed my official
22 seal this _____ (date).

23 _____ (official signature and seal of notary)

474.552. 1. An electronic will may revoke all or part of a previous will.

2 2. All or part of an electronic will is revoked by:

3 (1) A subsequent will that revokes all or part of the electronic will expressly or
4 by inconsistency;

5 (2) A written instrument signed by the testator declaring the revocation; or

6 (3) A physical act, if it is established by a preponderance of the evidence that the
7 testator, with the intent of revoking all or part of the will, performed the act or directed
8 another individual who performed the act in the testator's physical presence.

9 3. If there is evidence that a testator signed an electronic will and neither the
10 electronic will nor a certified paper copy of the electronic will can be located after a
11 testator's death, there shall be a presumption that the testator revoked the electronic
12 will even if no instrument or later will revoking the electronic will can be located.

474.554. Without further notice, at any time during the administration of the
2 estate or, if there is no grant of administration, upon such notice and in such manner as
3 the court directs, the court may issue an order under sections 472.400 to 472.490 for a
4 custodian of an account held under a terms-of-service agreement to disclose digital
5 assets for the purposes of obtaining an electronic will from the account of a deceased
6 user. If there is no grant of administration at the time the court issues the order, the

7 court's order shall grant disclosure to the petitioner who is deemed a personal
8 representative under sections 472.400 to 472.490.

474.556. 1. An individual may create a certified paper copy of an electronic will
2 by affirming under penalty of perjury that a paper copy of the electronic will is a
3 complete, true, and accurate copy of the electronic will. If the electronic will is made
4 self-proving, the certified paper copy of the will shall include a self-proving affidavit as
5 provided under section 474.337 or 474.550.

6 2. If a provision of law or rule of procedure requires a will to be presented or
7 retained in its original form or provides consequences for the information not being
8 presented or retained in its original form, that provision or rule shall be satisfied by a
9 certified paper copy of an electronic will.

474.558. In applying and construing sections 474.540 to 474.564, consideration
2 shall be given to the need to promote uniformity of the law with respect to its subject
3 matter among states that enact it.

474.560. 1. Any written estate planning document may be executed
2 electronically, and no such estate planning document shall be invalid or void solely
3 because it is in electronic form or because it is signed electronically by a settlor, trustee,
4 principal, grantor, declarant, or owner, or by a witness to any such person's signature.
5 For purposes of this section, "estate planning document" shall include, but not be
6 limited to:

- 7 (1) A power of attorney or durable power of attorney;
- 8 (2) A health care declaration;
- 9 (3) An advance directive;
- 10 (4) A power of attorney for health care or durable power of attorney for health
11 care;
- 12 (5) A revocable trust or amendment thereto, or modification or revocation
13 thereof;
- 14 (6) An irrevocable trust;
- 15 (7) A beneficiary deed;
- 16 (8) A nonprobate transfer; or
- 17 (9) A document modifying, amending, correcting, or revoking any written estate
18 planning document.

19 2. (1) An electronic estate planning document or an electronic signature on such
20 document shall be attributable to a person if it was the act of the person. The act of the
21 person may be shown in any manner, including a showing of the efficacy of a security
22 procedure applied to determine the person to which the electronic record or signature
23 was attributable.

24 **(2) The effect of attribution of a document or signature to a person under**
25 **subdivision (1) of this subsection shall be determined from the context and surrounding**
26 **circumstances at the time of its creation, execution, or adoption and as provided by**
27 **other law.**

28 **3. (1) Unless otherwise provided under its terms, any electronic estate planning**
29 **document may be signed in one or more counterparts, and each separate counterpart**
30 **may be an electronic document or a paper document, provided that all signed**
31 **counterpart pages of each document are incorporated into, or attached to, the**
32 **document.**

33 **(2) An individual may create a certified paper copy of any such electronic estate**
34 **planning document by affirming under penalty of perjury that a paper copy of the**
35 **electronic estate planning document is a complete, true, and accurate copy of such**
36 **document. If a provision of law or a rule of procedure requires an estate planning**
37 **document to be presented or retained in its original form or provides consequences for**
38 **the information not being presented or retained in its original form, such provision or**
39 **rule shall be satisfied by a certified paper copy of an electronic document.**

40 **4. Any written estate planning document, other than a will, that requires one or**
41 **more witnesses to the signature of a principal may be witnessed by any individual or**
42 **individuals in the electronic presence of the principal.**

43 **5. A person who acts in reliance upon an electronically executed written estate**
44 **planning document shall not be liable to any person for so relying and may assume**
45 **without inquiry the valid execution of the electronically executed written estate planning**
46 **document.**

47 **6. This section does not require a written estate planning document to be**
48 **electronically signed.**

49 **7. The laws of this state and principles of equity applicable to any estate**
50 **planning document shall apply to any electronic estate planning document except as**
51 **modified by this section.**

474.562. The provisions of sections 474.540 to 474.564 modify, limit, and
2 **supersede the federal Electronic Signatures in Global and National Commerce Act, 15**
3 **U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that**
4 **act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in**
5 **Section 103(b) of that act, 15 U.S.C. Section 7003(b).**

474.564. The provisions of sections 474.540 to 474.564 shall apply to the will of a
2 **decedent who dies on or after August 28, 2024, and to each other written estate planning**
3 **document signed or remotely witnessed on or after August 28, 2024.**

474.600. 1. As used in this section, the following terms mean:

2 **(1) "Applicable state of emergency", the period between April 6, 2020, and**
3 **December 31, 2021, during which a state of emergency existed due to a COVID-19**
4 **public health threat, as proclaimed by the governor, and during which executive orders**
5 **20-08, 20-10, 20-12, 20-14, 20-19, 21.07, and 21.09 temporarily suspended the physical**
6 **appearance requirements under this chapter and authorized the use of audio-visual**
7 **technology to the extent that any Missouri statute required the physical presence of any**
8 **testator, settlor, principal, witness, notary, or other person necessary for the effective**
9 **execution of any estate planning document such as a will, trust, or power of attorney, or**
10 **a self-proving affidavit of the execution of such document, if the conditions set forth in**
11 **the executive orders were met;**

12 **(2) "Estate planning document", includes, but is not limited to:**

13 **(a) A will;**

14 **(b) A codicil;**

15 **(c) A power of attorney or durable power of attorney;**

16 **(d) A health care declaration;**

17 **(e) An advance directive;**

18 **(f) A power of attorney for health care or a durable power of attorney for health**
19 **care;**

20 **(g) A revocable trust or amendment thereto, or modification or revocation**
21 **thereof;**

22 **(h) An irrevocable trust;**

23 **(i) A beneficiary deed;**

24 **(j) A nonprobate transfer; or**

25 **(k) A document modifying, amending, correcting, or revoking any written estate**
26 **planning document;**

27 **(3) "Necessary person", any testator, settlor, grantor, principal, declarant,**
28 **witness, notary, or other person required for the effective execution of any estate**
29 **planning document in this state;**

30 **(4) "Physical presence requirement", includes, but is not limited to, any**
31 **requirement of physical presence under section 404.705, 459.015, 474.320, or 474.337 or**
32 **chapter 486.**

33 **2. With respect to the execution of an estate planning document, a necessary**
34 **person shall be deemed to have satisfied any physical presence requirement under**
35 **Missouri law during the applicable state of emergency if the following requirements**
36 **were met:**

37 **(1) The signer affirmatively represented that the signer was physically situated**
38 **in the state of Missouri;**

39 (2) The notary was physically located in the state of Missouri and stated in which
40 county the notary was physically located for the jurisdiction on the acknowledgment;

41 (3) The notary identified the signers to the satisfaction of the notary and
42 Missouri law;

43 (4) Any person whose signature was required appeared using video conference
44 software where live, interactive audio-visual communication between the principal,
45 notary, and any other necessary person allowed for observation, direct interaction, and
46 communication at the time of signing; and

47 (5) The notary recorded in the notary's journal the exact time and means used to
48 perform the notarial act, along with all other required information, absent the wet
49 signatures.

50 3. The requirements of subdivisions (1) to (5) of subsection 2 of this section shall
51 be deemed satisfied if an attorney who is licensed or authorized to practice law in
52 Missouri and who was present at the remote execution signs a written acknowledgment
53 made before an officer authorized to administer oaths under the laws of this state, and
54 evidenced by the officer's certificate, under official seal, affixed to or logically associated
55 with the acknowledgment. The form and content of the acknowledgment shall be
56 substantially as follows:

57 State of _____

58 County of _____

59 **AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS**

60 I, _____, am an attorney licensed or authorized to practice law in the state
61 of Missouri.

62 On _____ (date), I convened with the following individuals via video conference
63 software that allowed for live, interactive audio-visual communication between
64 the parties to the conference and that also allowed for observation, direction,
65 interaction, and communication between:

66 _____, the (testator, settlor, grantor, principal, or declarant);

67 _____, a witness;

68 _____, a second witness; and

69 _____ a notary public.

70 During the conference, _____, the (testator, settlor, grantor, principal, or
71 declarant) signed the following estate planning document or documents: (a will,
72 codicil, power of attorney, durable power of attorney, health care declaration,
73 advance directive, health care power of attorney, revocable trust, irrevocable
74 trust, beneficiary deed, nonprobate transfer, self-proving affidavit of the

75 execution of a will, or a document modifying, amending, correcting, or revoking
76 one of these estate planning documents).

77 All the parties to the conference represented that they were physically located in
78 the state of Missouri at the time of the signing.

79 I have reviewed and am familiar with the requirements of the applicable
80 executive order or orders in effect at the time and affirm that the remote
81 execution of the estate planning document or documents met all the requirements
82 of the applicable executive order or orders.

83 In witness whereof I, an officer authorized to administer oaths, have hereunto
84 subscribed my name and affixed my official seal this _____ (date).

85 (Signed)

86 _____

87 (SEAL)

88 _____

89 (Official capacity of officer)

2 475.063. 1. The parent, physical custodian, or guardian of a minor that has a
3 diagnosed developmental disability or intellectual disability as defined in section 630.005
4 may file a petition and an affidavit for emergency, temporary, or full orders regarding
5 appointment of the parent, physical custodian, guardian, or some other qualified person
6 as guardian of the minor upon the minor attaining the age of eighteen. Such affidavit
7 shall state that:

7 (1) The affiant is the parent, physical custodian, or guardian of the minor;

8 (2) A treating doctor has certified by letter, report, or affidavit that the minor
9 has a diagnosed developmental disability or intellectual disability as defined in section
10 630.005, and the letter, report, or affidavit is attached to the affidavit. This shall not
11 include a mental disorder or mental illness as defined in section 630.005;

12 (3) The minor has not yet attained the age of eighteen;

13 (4) No petition for adult guardianship or conservatorship, filed pursuant to
14 section 475.060, has been filed in the court in which the affidavit is filed or in any other
15 court having jurisdiction over the minor; and

16 (5) The affiant is not aware of an objection by an interested person to the
17 appointment of the parent, physical custodian, guardian, or some other qualified person
18 as guardian of the minor upon the minor attaining the age of eighteen.

19 2. If the court finds the affidavit fails to meet one or more of the criteria set forth
20 in subsection 1 of this section, or if good cause is shown by the attorney for the minor or
21 ward, the court may enter an order appointing an attorney to represent the affiant.

22 **3. (1) A clerk of a court shall make available to the petitioner the affidavit and**
23 **other uniform forms adopted by the Missouri supreme court for a proceeding under this**
24 **section.**

25 **(2) Except as otherwise provided by law, a clerk under the supervision of a**
26 **circuit clerk shall explain to a petitioner who is not represented by counsel the**
27 **procedures for filing all forms and pleadings necessary for the presentation of the**
28 **petitioner's petition under this section. The performance of duties prescribed in this**
29 **section shall not constitute the practice of law as defined in section 484.010.**

30 **(3) All duties of the clerk prescribed in this section shall be performed without**
31 **cost to the petitioner. The supreme court of Missouri may promulgate rules as**
32 **necessary to govern conduct of a court clerk under this chapter and provide forms for**
33 **petitions and written instructions on completing all forms and pleadings necessary for**
34 **the presentation of the petition to the court.**

35 **4. The court shall accept and act upon a petition filed under this section without**
36 **requiring a filing fee. Any expenses incurred under this section for attorney's fees for**
37 **the attorney of the minor or ward may be reimbursed from moneys deposited into a**
38 **family services and justice fund under section 488.2300.**

39 **5. For purposes of this section, "physical custodian" means an adult having**
40 **continuous physical custody of a minor entering adult guardianship or conservatorship**
41 **for the six months prior to the filing of an affidavit under subsection 1 of this section.**

476.1025. A parent, spouse, child, or personal representative of a person who
2 **was convicted of a misdemeanor offense may file a motion with the court in which the**
3 **person was convicted to have the record of such offense made confidential in any**
4 **automated case management system if such person has been deceased for six months or**
5 **more. Upon such motion accompanied by a copy of the death certificate of the deceased**
6 **person, the court shall make the case confidential. Prior to making the case**
7 **confidential, the court shall determine whether any person would be unfairly prejudiced**
8 **by making such record confidential in any automated case management system.**

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal
2 **Services Fund", to be administered by, or under the direction of, the Missouri supreme court.**
3 **All moneys collected under section 488.031 shall be credited to the fund. In addition to the**
4 **court filing surcharges, funds from other public or private sources also may be deposited into**
5 **the fund and all earnings of the fund shall be credited to the fund. The purpose of this section**
6 **is to increase the funding available for basic civil legal services to eligible low-income**
7 **persons as such persons are defined by the Federal Legal Services Corporation's Income**
8 **Eligibility Guidelines.**

9 2. Funds in the basic civil legal services fund shall be allocated annually and
10 expended to provide legal representation to eligible low-income persons in the state in civil
11 matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund
12 shall, at least as often as annually, be distributed to the legal services organizations in this
13 state which qualify for Federal Legal Services Corporation funding. The funds so distributed
14 shall be used by legal services organizations in this state solely to provide legal services to
15 eligible low-income persons as such persons are defined by the Federal Legal Services
16 Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions
17 imposed on such legal services organizations by law. Funds shall be allocated to the
18 programs according to the funding formula employed by the Federal Legal Services
19 Corporation for the distribution of funds to this state. Notwithstanding the provisions of
20 section 33.080, any balance remaining in the basic civil legal services fund at the end of any
21 year shall not be transferred to the state's general revenue fund. Moneys in the basic civil
22 legal services fund shall not be used to pay any portion of a refund mandated by Article X,
23 Section ~~[45]~~ **18** of the Missouri Constitution. State legal services programs shall represent
24 individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its
25 officials, with any state funds.

26 3. Contracts for services with state legal services programs shall provide eligible low-
27 income Missouri citizens with equal access to the civil justice system, with a high priority on
28 families and children, domestic violence, the elderly, and qualification for benefits under the
29 Social Security Act. State legal services programs shall abide by all restrictions,
30 requirements, and regulations of the Legal Services Corporation regarding their cases.

31 4. The Missouri supreme court, or a person or organization designated by the court, is
32 the administrator and shall administer the fund in such manner as determined by the Missouri
33 supreme court, including in accordance with any rules and policies adopted by the Missouri
34 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection
35 of the fee and the implementation and administration of the fund.

36 5. Each recipient of funds from the basic civil legal services fund shall maintain
37 appropriate records accounting for the receipt and expenditure of all funds distributed and
38 received pursuant to this section. These records must be maintained for a period of five years
39 from the close of the fiscal year in which such funds are distributed or received or until
40 audited, whichever is sooner. All funds distributed or received pursuant to this section are
41 subject to audit by the Missouri supreme court or the state auditor.

42 6. The Missouri supreme court, or a person or organization designated by the court,
43 shall, by January thirty-first of each year, report to the general assembly on the moneys
44 collected and disbursed pursuant to this section and section 488.031 by judicial circuit.

45 ~~[7. The provisions of this section shall expire on December 31, 2025.]~~

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall
2 mean:

3 (1) "Adult treatment court", a treatment court focused on addressing the substance use
4 disorder or co-occurring disorder of defendants charged with a criminal offense;

5 (2) "Community-based substance use disorder treatment program", an agency
6 certified by the department of mental health as a substance use disorder treatment provider;

7 (3) "Co-occurring disorder", the coexistence of both a substance use disorder and a
8 mental health disorder;

9 (4) "DWI court", a treatment court focused on addressing the substance use disorder
10 or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of
11 driving while intoxicated or driving with excessive blood alcohol content;

12 (5) "Family treatment court", a treatment court focused on addressing a substance use
13 disorder or co-occurring disorder existing in families in the juvenile court, family court, or
14 criminal court in which a parent or other household member has been determined to have a
15 substance use disorder or co-occurring disorder that impacts the safety and well-being of the
16 children in the family;

17 (6) "Juvenile treatment court", a treatment court focused on addressing the substance
18 use disorder or co-occurring disorder of juveniles in the juvenile court;

19 (7) "Medication-assisted treatment", the use of pharmacological medications, in
20 combination with counseling and behavioral therapies, to provide a whole-patient approach to
21 the treatment of substance use disorders;

22 (8) **"Mental health court", a court focused on addressing the mental health
23 disorder or co-occurring disorder of defendants charged with a criminal offense;**

24 (9) "Mental health disorder", any organic, mental, or emotional impairment that has
25 substantial adverse effects on a person's cognitive, volitional, or emotional function and that
26 constitutes a substantial impairment in a person's ability to participate in activities of normal
27 living;

28 ~~[(9)]~~ (10) "Risk and needs assessment", an actuarial tool, approved by the treatment
29 courts coordinating commission and validated on a targeted population of drug-involved adult
30 offenders, scientifically proven to determine a person's risk to recidivate and to identify
31 criminal risk factors that, when properly addressed, can reduce that person's likelihood of
32 committing future criminal behavior;

33 ~~[(10)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes
34 clinically significant impairment, including health problems, disability, and failure to meet
35 major responsibilities at work, school, or home;

36 ~~[(11)]~~ **(12)** "Treatment court commissioner", a person appointed by a majority of the
37 circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment
38 court division;

39 ~~[(12)]~~ **(13)** "Treatment court division", a specialized, nonadversarial court division
40 with jurisdiction over cases involving substance-involved offenders and making extensive use
41 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment
42 court divisions include, but are not limited to, the following specialized courts: adult
43 treatment court, DWI court, family treatment court, juvenile treatment court, **mental health**
44 **court**, veterans treatment court, or any combination thereof;

45 ~~[(13)]~~ **(14)** "Treatment court team", the following members who are assigned to the
46 treatment court: the judge or treatment court commissioner, treatment court administrator or
47 coordinator, prosecutor, public defender or member of the criminal defense bar, a
48 representative from the division of probation and parole, a representative from law
49 enforcement, substance use **or mental health** disorder treatment providers, and any other
50 person selected by the treatment court team;

51 ~~[(14)]~~ **(15)** "Veterans treatment court", a treatment court focused on substance use
52 disorders, co-occurring disorders, or mental health disorders of defendants charged with a
53 criminal offense who are military veterans or current military personnel.

54 2. A treatment court division shall be established, prior to August 28, 2021, by any
55 circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial
56 system to dispose of cases which stem from, or are otherwise impacted by, **a substance use or**
57 **mental health disorder**. The treatment court division may include, but not be limited to,
58 cases assigned to an adult treatment court, DWI court, family treatment court, juvenile
59 treatment court, **mental health court**, veterans treatment court, or any combination thereof.
60 A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of
61 participants. Except for good cause found by the court, a treatment court making a referral for
62 substance use **or mental health** disorder treatment, when such program will receive state or
63 federal funds in connection with such referral, shall refer the person only to a program which
64 is certified by the department of mental health, unless no appropriate certified treatment
65 program is located within the same county as the treatment court. Upon successful
66 completion of the treatment court program, the charges, petition, or penalty against a
67 treatment court participant may be dismissed, reduced, or modified, unless otherwise stated.
68 Any fees received by a court from a defendant as payment for substance **or mental health**
69 treatment programs shall not be considered court costs, charges or fines.

70 3. An adult treatment court may be established by any circuit court ~~[under sections~~
71 ~~478.001 to 478.009]~~ to provide an alternative for the judicial system to dispose of cases which
72 stem from substance use.

73 4. ~~[Under sections 478.001 to 478.009,]~~ A DWI court may be established by any
74 circuit court to provide an alternative for the judicial system to dispose of cases that stem
75 from driving while intoxicated.

76 5. A family treatment court may be established by any circuit court. The juvenile
77 division of the circuit court or the family court, if one is established under section 487.010,
78 may refer one or more parents or other household members subject to its jurisdiction to the
79 family treatment court if he or she has been determined to have a substance use disorder or
80 co-occurring disorder that impacts the safety and well-being of the children in the family.

81 6. A juvenile treatment court may be established by the juvenile division of any
82 circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the
83 juvenile is determined to have committed acts that violate the criminal laws of the state or
84 ordinances of a municipality or county and a substance use disorder or co-occurring disorder
85 contributed to the commission of the offense.

86 7. The general assembly finds and declares that it is the public policy of this state to
87 encourage and provide an alternative method for the disposal of cases for military veterans
88 and current military personnel with substance use disorders, mental health disorders, or co-
89 occurring disorders. In order to effectuate this public policy, a veterans treatment court may
90 be established by any circuit court, or combination of circuit courts upon agreement of the
91 presiding judges of such circuit courts, to provide an alternative for the judicial system to
92 dispose of cases that stem from a substance use disorder, mental health disorder, or co-
93 occurring disorder of military veterans or current military personnel. A veterans treatment
94 court shall combine judicial supervision, drug or alcohol testing, and substance use and
95 mental health disorder treatment to participants who have served or are currently serving the
96 United States Armed Forces, including members of the Reserves or National Guard, with
97 preference given to individuals who have combat service. For the purposes of this section,
98 combat service shall be shown through military service documentation that reflects service in
99 a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile
100 fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court
101 shall make a referral for substance use or mental health disorder treatment, or a combination
102 of substance use and mental health disorder treatment, through the Department of Defense
103 health care, the Veterans Administration, or a community-based substance use disorder
104 treatment program. Community-based programs utilized shall receive state or federal funds
105 in connection with such referral and shall only refer the individual to a program certified by
106 the department of mental health, unless no appropriate certified treatment program is located
107 within the same circuit as the veterans treatment court.

108 **8. A mental health court may be established by any circuit court to provide an**
109 **alternative for the judicial system to dispose of cases that stem from a mental health**
110 **disorder or co-occurring disorder.**

 488.040. [~~1.~~] Each grand and petit juror shall~~], pursuant to the provisions of section~~
2 ~~494.455, receive six dollars per day for every day he or she may actually serve as such and~~
3 ~~seven cents for every mile he or she may necessarily travel going from his or her place of~~
4 ~~residence to the courthouse and returning, to be paid from funds of the county or a city not~~
5 ~~within a county.~~

6 ~~2. Provided that a county or a city not within a county authorizes daily compensation~~
7 ~~payable from county or city funds for jurors who serve in that county pursuant to subsection 3~~
8 ~~of this section in the amount of at least six dollars per day in addition to the amount required~~
9 ~~by subsection 1 of this section, a person shall receive an additional six dollars per day,~~
10 ~~pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so~~
11 ~~that the total compensation payable shall be at least eighteen dollars, plus mileage as~~
12 ~~indicated in subsection 1 of this section, for each day that the person actually serves as a petit~~
13 ~~juror in a particular case; or for each day that a person actually serves as a grand juror during~~
14 ~~a term of a grand jury. The state shall reimburse the county for six dollars of the additional~~
15 ~~juror compensation provided by this subsection.~~

16 ~~3. The governing body of each county or a city not within a county may authorize~~
17 ~~additional daily compensation and mileage allowance for jurors, which additional~~
18 ~~compensation shall be paid from the funds of the county or a city not within a county.~~
19 ~~The governing body of each county or a city not within a county may authorize additional~~
20 ~~daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors~~
21 ~~may receive the additional compensation and mileage allowance authorized by this subsection~~
22 ~~only if the governing body of the county or the city not within a county authorizes the~~
23 ~~additional compensation. The provisions of this subsection authorizing additional~~
24 ~~compensation shall terminate upon the issuance of a mandate by the Missouri supreme~~
25 ~~court which results in the state of Missouri being obligated or required to pay any such~~
26 ~~additional compensation even if such additional compensation is formally approved or~~
27 ~~authorized by the governing body of a county or a city not within a county.~~

28 ~~4. When each panel of jurors summoned and attending court has completed its~~
29 ~~service, the board of jury commissioners shall cause to be submitted to the governing body of~~
30 ~~the county or a city not within a county a statement of fees earned by each juror. Within thirty~~
31 ~~days of the submission of the statement of fees, the governing body shall cause payment to be~~
32 ~~made to those jurors summoned the fees earned during their service as jurors] receive daily~~
33 **compensation and mileage allowance in the amount provided by law pursuant to section**
34 **494.455.**

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each
2 county or circuit with a family court, for the purpose of aiding with the operation of the
3 family court divisions and services provided by those divisions. In circuits or counties having
4 a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all
5 proceedings falling within the jurisdiction of the family court. The surcharge shall not be
6 charged when no court costs are otherwise required, shall not be charged against the petitioner
7 for actions filed pursuant to the provisions of chapter 455, but may be charged to the
8 respondent in such actions, shall not be charged to a government agency and shall not be
9 charged in any proceeding when costs are waived or are to be paid by the state, county or
10 municipality.

11 2. In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may
12 be assessed against the child, parent or custodian of the child, in addition to other amounts
13 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
14 211.083, and in an order of disposition or treatment under the provisions of section 211.181.
15 The judgment may be ordered paid to the clerk of the circuit where the assessment is
16 imposed.

17 3. All sums collected pursuant to this section and section 487.140 shall be payable to
18 the various county family services and justice funds.

19 4. **Nothing in this section prohibits the general assembly from appropriating**
20 **moneys into the various county family services and justice funds to be expended for the**
21 **purposes provided for in this section.**

22 5. Any moneys in the family services and justice fund not expended for salaries of
23 commissioners, family court administrators and family court staff shall be used toward
24 funding the enhanced services provided as a result of the establishment of a family court;
25 however, it shall not replace or reduce the current and ongoing responsibilities of the counties
26 to provide funding for the courts as required by law. Moneys collected for the family services
27 and justice fund shall be expended for the benefit of litigants and recipients of services in the
28 family court, with priority given to **fees incurred under subsection 5 or 7 of section 475.075**
29 **or expenses incurred under section 475.063, and to** services such as guardians ad litem,
30 mediation, counseling, home studies, psychological evaluation and other forms of alternative
31 dispute-resolution services. Expenditures shall be made at the discretion of the presiding
32 judge or family court administrative judge, as designated by the circuit and associate circuit
33 judges en banc, for the implementation of the family court system as set forth in this section.
34 No moneys from the family services and justice fund may be used to pay for mediation in any
35 cause of action in which domestic violence is alleged.

36 ~~[5-]~~ 6. From the funds collected pursuant to this section and retained in the family
37 services and justice fund, each circuit or county in which a family court commissioner in

38 addition to those commissioners existing as juvenile court commissioners on August 28,
39 1993, have been appointed pursuant to sections 487.020 to 487.040 shall pay to and
40 reimburse the state for the actual costs of that portion of the salaries of family court
41 commissioners appointed pursuant to the provisions of sections 487.020 to 487.040.

42 ~~[6.]~~ 7. No moneys deposited in the family services and justice fund may be expended
43 for capital improvements.

494.430. 1. Upon timely application to the court, the following persons shall be
2 excused from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury within the
4 preceding two years;

5 (2) Any nursing mother, upon her request, and with a completed written statement
6 from her physician to the court certifying she is a nursing mother;

7 (3) Any person whose absence from his or her regular place of employment would, in
8 the judgment of the court, tend materially and adversely to affect the public safety, health,
9 welfare or interest;

10 (4) Any person upon whom service as a juror would in the judgment of the court
11 impose an undue or extreme physical or financial hardship;

12 (5) Any person licensed as a health care provider as such term is defined in section
13 538.205, but only if such person provides a written statement to the court certifying that he or
14 she is actually providing health care services to patients, and that the person's service as a
15 juror would be detrimental to the health of the person's patients;

16 (6) Any employee of a religious institution whose religious obligations or constraints
17 prohibit their serving on a jury. The certification of the employment and obligation or
18 constraint may be provided by the employee's religious supervisor;

19 (7) Any person who is ~~[seventy-five]~~ **seventy** years of age or older. **Any jury duty**
20 **notification sent to a potential juror shall include language in the notification specifying**
21 **that a person may be excused from service as a petit or grand juror if the person is**
22 **seventy years of age or older.**

23 2. A judge of the court for which the individual was called to jury service shall make
24 undue or extreme physical or financial hardship determinations. The authority to make these
25 determinations is delegable only to court officials or personnel who are authorized by the
26 laws of this state to function as members of the judiciary.

27 3. A person asking to be excused based on a finding of undue or extreme physical or
28 financial hardship must take all actions necessary to have obtained a ruling on that request by
29 no later than the date on which the individual is scheduled to appear for jury duty.

30 4. Unless it is apparent to the court that the physical hardship would significantly
31 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460

32 undue or extreme physical or financial hardship is limited to circumstances in which an
33 individual would:

34 (1) Be required to abandon a person under his or her personal care or supervision due
35 to the impossibility of obtaining an appropriate substitute caregiver during the period of
36 participation in the jury pool or on the jury; or

37 (2) Incur costs that would have a substantial adverse impact on the payment of the
38 individual's necessary daily living expenses or on those for whom he or she provides the
39 principal means of support; or

40 (3) Suffer physical hardship that would result in illness or disease.

41 5. Undue or extreme physical or financial hardship does not exist solely based on the
42 fact that a prospective juror will be required to be absent from his or her place of employment.

43 6. A person asking a judge to grant an excuse based on undue or extreme physical or
44 financial hardship shall provide the judge with documentation as required by the judge, such
45 as, but not limited to, federal and state income tax returns, medical statements from licensed
46 physicians, proof of dependency or guardianship, and similar documents, which the judge
47 finds to clearly support the request to be excused. Failure to provide satisfactory
48 documentation shall result in a denial of the request to be excused. Such documents shall be
49 filed under seal.

50 7. After two years, a person excused from jury service shall become eligible once
51 again for qualification as a juror unless the person was excused from service permanently. A
52 person is excused from jury service permanently only when the deciding judge determines
53 that the underlying grounds for being excused are of a permanent nature.

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

4 ~~2.]~~ Each grand and petit juror shall receive a **minimum of** six dollars per day, for
5 every day ~~[he or she]~~ **the juror** may actually serve as ~~[such]~~ **a juror**, and ~~[seven cents]~~ **the**
6 **mileage rate as provided by section 33.095 for state employees** for every mile ~~[he or she]~~
7 **the juror** may necessarily travel going from ~~[his or her]~~ **the juror's** place of residence to the
8 courthouse and returning, to be paid from funds of the county or a city not within a county.
9 **Each county or city not within a county may elect to compensate its jurors under**
10 **subsection 2 of this section, except as otherwise provided in subsection 3 of this section.**

11 2. The governing body of each county or a city not within a county may authorize
12 additional daily compensation and mileage allowance for jurors, which additional
13 compensation shall be paid from the funds of the county or a city not within a county.
14 The governing body of each county or a city not within a county may authorize additional
15 daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors

16 may receive the additional compensation and mileage allowance authorized by this subsection
17 only if the governing body of the county or the city not within a county authorizes the
18 additional compensation. The provisions of this subsection authorizing additional
19 compensation shall terminate upon the issuance of a mandate by the Missouri supreme
20 court which results in the state of Missouri being obligated or required to pay any such
21 additional compensation even if such additional compensation is formally approved or
22 authorized by the governing body of a county or a city not within a county. Provided that a
23 county or a city not within a county authorizes daily compensation payable from county or
24 city funds for jurors who serve in that county pursuant to this subsection in the amount of at
25 least six dollars per day in addition to the amount required by this subsection, a person shall
26 receive an additional six dollars per day to be reimbursed by the state of Missouri so that the
27 total compensation payable shall be at least eighteen dollars, plus mileage for each day that
28 the person actually serves as a petit juror in a particular case; or for each day that a person
29 actually serves as a grand juror during a term of a grand jury. The state shall reimburse the
30 county for six dollars of the additional juror compensation provided by this subsection.

31 3. ~~[In any county of the first classification without a charter form of government and~~
32 ~~with a population of at least two hundred thousand inhabitants, no grand or petit juror shall~~
33 ~~receive compensation for the first two days of service, but shall receive fifty dollars per day~~
34 ~~for the third day and each subsequent day he or she may actually serve as such, and seven~~
35 ~~cents for every mile he or she may necessarily travel going from his or her place of residence~~
36 ~~to the courthouse and returning, to be paid from funds of the county.] Notwithstanding the~~
37 **provisions of subsection 1 or 2 of this section, by a majority vote, the governing body of**
38 **a county or city not within a county may adopt a system for juror compensation in a city**
39 **not within a county or a county within the circuit, as follows: each grand or petit juror**
40 **shall receive fifty dollars per day for the third day the juror may actually serve as a**
41 **juror and for each subsequent day of actual service, and the mileage rate as provided by**
42 **section 33.095 for state employees for every mile the juror may necessarily travel from**
43 **the juror's place of residence to the courthouse and returning, to be paid from funds of**
44 **the county or a city not within a county, provided that no grand or petit juror shall**
45 **receive compensation for the first two days the juror may actually serve as such.**

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

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August
2 28, 2023, pleadings, attachments, exhibits filed with the court in any case, as well as any

3 judgments or orders issued by the court, or other records of the court shall not include the
4 following confidential and personal identifying information:

5 (1) The full Social Security number of any party or any child;

6 (2) The full credit card number, financial institution account number, personal
7 identification number, or password used to secure an account of any party;

8 (3) The full motor vehicle operator license number;

9 (4) ~~[Victim] Information[, including the name, address, and other contact information~~
10 ~~of the]~~ **concerning a victim or witness in a criminal case that is confidential as otherwise**
11 **provided by statute or as prescribed in the Missouri supreme court rules of criminal**
12 **procedure or operating rules;**

13 (5) ~~[Witness information, including the name, address, and other contact information~~
14 ~~of the witness];~~

15 ~~(6)]~~ Any other full state identification number;

16 ~~[(7)]~~ (6) The name, address, and date of birth of a minor and, if applicable, any next
17 friend; ~~or~~

18 ~~(8)]~~ (7) The full date of birth of any party; however, the year of birth shall be made
19 available, except for a minor; **or**

20 **(8) Any other information redacted for good cause by order of the court.**

21 2. The information provided under subsection 1 of this section shall be provided in a
22 confidential information filing sheet contemporaneously filed with the court or entered by the
23 court, which shall not be subject to public inspection or availability.

24 3. Nothing in this section shall preclude an entity including, but not limited to, a
25 financial institution, insurer, insurance support organization, or consumer reporting agency
26 that is otherwise permitted by law to access state court records from using a person's unique
27 identifying information to match such information contained in a court record to validate that
28 person's record.

29 4. The Missouri supreme court shall promulgate rules to administer this section.

30 5. Contemporaneously with the filing of every petition for dissolution of marriage,
31 legal separation, motion for modification, action to establish paternity, and petition or motion
32 for support or custody of a minor child, the filing party shall file a confidential case filing
33 sheet with the court which shall not be subject to public inspection and which provides:

34 (1) The name and address of the current employer and the Social Security number of
35 the petitioner or movant, if a person;

36 (2) If known to the petitioner or movant, the name and address of the current
37 employer and the Social Security number of the respondent; and

38 (3) The names, dates of birth, and Social Security numbers of any children subject to
39 the action.

40 6. Contemporaneously with the filing of every responsive pleading petition for
41 dissolution of marriage, legal separation, motion for modification, action to establish
42 paternity, and petition or motion for support or custody of a minor child, the responding party
43 shall file a confidential case filing sheet with the court which shall not be subject to public
44 inspection and which provides:

45 (1) The name and address of the current employer and the Social Security number of
46 the responding party, if a person;

47 (2) If known to the responding party, the name and address of the current employer
48 and the Social Security number of the petitioner or movant; and

49 (3) The names, dates of birth, and Social Security numbers of any children subject to
50 the action.

51 7. The full Social Security number of any party or child subject to an order of custody
52 or support shall be retained by the court on the confidential case filing sheet or other
53 confidential record maintained in conjunction with the administration of the case. The full
54 credit card number or other financial account number of any party may be retained by the
55 court on a confidential record if it is necessary to maintain the number in conjunction with the
56 administration of the case.

57 8. Any document described in subsection 1 of this section shall, in lieu of the full
58 number, include only the last four digits of any such number.

59 9. Except as provided in section 452.430, the clerk shall not be required to redact any
60 document described in subsection 1 of this section issued or filed before August 28, 2009,
61 prior to releasing the document to the public.

62 10. For good cause shown, the court may release information contained on the
63 confidential case filing sheet; except that, any state agency acting under authority of chapter
64 454 shall have access to information contained herein without court order in carrying out their
65 official duty.

510.500. Sections 510.500 to 510.521 shall be known and may be cited as the
2 **"Uniform Interstate Depositions and Discovery Act".**

510.503. As used in sections 510.500 to 510.521, the following terms mean:

2 **(1) "Foreign jurisdiction", a state other than this state;**

3 **(2) "Foreign subpoena", a subpoena issued under authority of a court of record**
4 **of a foreign jurisdiction;**

5 **(3) "Person", an individual, corporation, business trust, estate, trust,**
6 **partnership, limited liability company, association, joint venture, public corporation,**
7 **government or political subdivision, agency or instrumentality, or any other legal or**
8 **commercial entity;**

9 (4) "State", a state of the United States, the District of Columbia, Puerto Rico,
10 the United States Virgin Islands, a federally recognized Indian tribe, or any territory or
11 insular possession subject to the jurisdiction of the United States;

12 (5) "Subpoena", a document, however denominated, issued under authority of a
13 court of record requiring a person to:

14 (a) Attend and give testimony at a deposition;

15 (b) Produce and permit inspection and copying of designated books, documents,
16 records, electronically stored information, or tangible items in the possession, custody,
17 or control of the person; or

18 (c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall
2 submit a foreign subpoena to a clerk of court in the county in which discovery is sought
3 to be conducted in this state. A request for the issuance of a subpoena under sections
4 510.500 to 510.521 shall not constitute an appearance in the courts of this state.

5 **2.** If a party submits a foreign subpoena to a clerk of court in this state, the clerk,
6 in accordance with such court's procedure, shall promptly issue a subpoena for service
7 upon the person to which the foreign subpoena is directed.

8 **3.** A subpoena under subsection 2 of this section shall:

9 (1) Incorporate the terms used in the foreign subpoena; and

10 (2) Contain or be accompanied by the names, addresses, and telephone numbers
11 of all counsel of record in the proceeding to which the subpoena relates and of any party
12 not represented by counsel.

510.509. A subpoena issued by a clerk of court under section 510.506 shall be
2 served in compliance with the Missouri supreme court rules of civil procedure and laws
3 of this state.

510.512. The Missouri supreme court rules of civil procedure and laws of this
2 state, and any amendments thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective order or to enforce, quash,
2 or modify a subpoena issued by a clerk of court under section 510.506 shall comply with
3 the Missouri supreme court rules of civil procedure and statutes of this state and be
4 submitted to the court in the county in which discovery is to be conducted.

510.518. In applying and construing sections 510.500 to 510.521, consideration
2 shall be given to the need to promote uniformity of the law with respect to its subject
3 matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases
2 pending on August 28, 2024.

537.106. 1. As used in this section, the following terms mean:

- 2 (1) "Interactive computer service", the same meaning as in section 407.1120;
- 3 (2) "Material harmful to minors", any description or representation of nudity,
- 4 sexual conduct, sexual excitement, or sadomasochistic abuse when it:
- 5 (a) Appeals to the prurient, shameful, or morbid interest of minors;
- 6 (b) Is patently offensive to prevailing standards in the adult community as a
- 7 whole with respect to what is suitable material for minors; and
- 8 (c) Is, when taken as a whole, lacking in serious literary, artistic, political, or
- 9 scientific value for minors;
- 10 (3) "Sexual conduct", actual or explicitly simulated acts of masturbation, sexual
- 11 intercourse, or physical contact in an act of apparent sexual stimulation or gratification
- 12 with a person's unclothed genitals, pubic area, buttocks, or the breast of a female;
- 13 (4) "Substantial portion", more than thirty-three and one-third percent of total
- 14 material on a website that meets the definition of material harmful to minors.
- 15 2. Any commercial entity that knowingly or intentionally publishes or
- 16 distributes material harmful to minors on the internet from a website that contains a
- 17 substantial portion of such material shall, through the use of an independent
- 18 commercially reasonable method of age and identity verification, verify that any
- 19 person attempting to access such material harmful to minors is eighteen years of age or
- 20 older.
- 21 3. Any commercial entity that violates the provisions of this section shall be
- 22 subject to civil liability for damages resulting from a minor's access to such material
- 23 harmful to a minor and reasonable attorney's fees and costs.
- 24 4. Nothing in this section shall be construed to impose an obligation or liability
- 25 on a provider or user of an interactive computer service on the internet.

537.580. 1. This section shall be known and may be cited as the "Civil Liability

2 for Employers Hiring Ex-Offenders Act".

3 2. A cause of action shall not be brought against an employer, general contractor,

4 premises owner, or other third party for hiring an employee or independent contractor

5 who has been convicted of an offense unless such employee or independent contractor

6 has been convicted of an offense contained in section 565.021, 565.023, 565.024, 565.027,

7 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120,

8 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061,

9 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101,

10 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210,

11 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023,

12 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a

13 class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030,

14 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115,
15 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony,
16 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B
17 felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, or 579.068
18 when punished as a class A or B felony.

19 **3. In an action for negligent hiring against an employer, general contractor,**
20 **premises owner, or other third party for acts of an employee or independent contractor**
21 **that is based on a theory of liability other than that described in subsection 2 of this**
22 **section, the fact that the employee or independent contractor was convicted of a**
23 **nonviolent, nonsexual offense before the employee or independent contractor's**
24 **employment or contractual obligation with the employer, general contractor, premises**
25 **owner, or other third party shall be inadmissible as evidence.**

26 **4. The provisions of this section shall not preclude any existing cause of action**
27 **for failure of an employer to provide adequate supervision of an employee or**
28 **independent contractor, except that the fact the employee or independent contractor has**
29 **been convicted of a nonviolent, nonsexual offense shall be admissible as evidence in such**
30 **action only if the employer:**

31 **(1) Knew of the conviction or was grossly negligent in the failure to know of the**
32 **conviction; and**

33 **(2) The conviction was directly related to the nature of the employee's or**
34 **independent contractor's work and the conduct that gave rise to the alleged injury that**
35 **is the basis of the action.**

36 **5. The protections in this section provided to an employer, general contractor,**
37 **premises owner, or third party do not apply in an action concerning:**

38 **(1) The misuse of funds or property of a person other than the employer, general**
39 **contractor, premises owner, or third party by an employee or independent contractor if,**
40 **on the date the employee or independent contractor was hired, the employee or**
41 **independent contractor had been convicted of an offense that includes fraud or the**
42 **misuse of funds or property as an element of the offense and it was foreseeable that the**
43 **position for which the employee or independent contractor was hired would involve**
44 **discharging a fiduciary responsibility in the management of the funds or property;**

45 **(2) The misappropriation of funds by an employee or independent contractor if**
46 **the employee or independent contractor was hired as an attorney and, on the date the**
47 **employee or independent contractor was hired, the employee or independent contractor**
48 **had been convicted of an offense that includes fraud or the misuse of funds or property**
49 **as an element of the offense; or**

50 **(3) A violent offense or an improper use of excessive force by an employee or**
51 **independent contractor if the employee or independent contractor was hired to serve as**
52 **a law enforcement officer or security guard.**

53 **6. The provisions of this section shall not be interpreted as implying a cause of**
54 **action exists for negligent hiring of an individual convicted of an offense in situations not**
55 **covered by this section.**

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public
3 defender office personnel appointed pursuant to this chapter; and he or she and the deputy
4 director or directors may participate in the trial and appeal of criminal actions at the request of
5 the defender;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of
7 each year, a report which shall include all pertinent data on the operation of the state public
8 defender system, the costs, projected needs, and recommendations for statutory changes.
9 Prior to October fifteenth of each year, the commission shall submit such report along with
10 such recommendations, comments, conclusions, or other pertinent information it chooses to
11 make to the chief justice, the governor, and the general assembly. Such reports shall be a
12 public record, shall be maintained in the office of the state public defender, and shall be
13 otherwise distributed as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and
15 offices and select such professional, technical and other personnel, including investigators, as
16 he deems reasonably necessary for the efficient operation and discharge of the duties of the
17 state public defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible
19 for the overall supervision of all personnel, offices, divisions and facilities of the state public
20 defender system, except that the director shall have no authority to direct or control the legal
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this
23 chapter;

24 (6) Keep and maintain proper financial records with respect to the provision of all
25 public defender services for use in the calculating of direct and indirect costs of any or all
26 aspects of the operation of the state public defender system;

27 (7) Supervise the training of all public defenders and other personnel and establish
28 such training courses as shall be appropriate;

29 (8) With approval of the commission, promulgate necessary rules, regulations and
30 instructions consistent with this chapter defining the organization of the state public defender

31 system and the responsibilities of division directors, district defenders, deputy district
32 defenders, assistant public defenders and other personnel;

33 (9) With the approval of the commission, apply for and accept on behalf of the public
34 defender system any funds which may be offered or which may become available from
35 government grants, private gifts, donations or bequests or from any other source. Such
36 moneys shall be deposited in the ~~[state general revenue]~~ **public defender-federal and other**
37 fund;

38 (10) Contract for legal services with private attorneys on a case-by-case basis and
39 with assigned counsel as the commission deems necessary considering the needs of the area,
40 for fees approved and established by the commission;

41 (11) With the approval and on behalf of the commission, contract with private
42 attorneys for the collection and enforcement of liens and other judgments owed to the state for
43 services rendered by the state public defender system.

44 2. No rule or portion of a rule promulgated under the authority of this chapter shall
45 become effective unless it has been promulgated pursuant to the provisions of section
46 536.024.

47 3. The director and defenders shall, within guidelines as established by the
48 commission and as set forth in subsection 4 of this section, accept requests for legal services
49 from eligible persons entitled to counsel under this chapter or otherwise so entitled under the
50 constitution or laws of the United States or of the state of Missouri and provide such persons
51 with legal services when, in the discretion of the director or the defenders, such provision of
52 legal services is appropriate.

53 4. The director and defenders shall provide legal services to an eligible person:

54 (1) Who is detained or charged with a felony, including appeals from a conviction in
55 such a case;

56 (2) Who is detained or charged with a misdemeanor which will probably result in
57 confinement in the county jail upon conviction, including appeals from a conviction in such a
58 case, unless the prosecuting or circuit attorney has waived a jail sentence;

59 (3) Who is charged with a violation of probation when it has been determined by a
60 judge that the appointment of counsel is necessary to protect the person's due process rights
61 under section 559.036;

62 (4) Who has been taken into custody pursuant to section 632.489, including appeals
63 from a determination that the person is a sexually violent predator and petitions for release,
64 notwithstanding any provisions of law to the contrary;

65 (5) For whom the federal constitution or the state constitution requires the
66 appointment of counsel; and

67 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty,
 68 and in which the federal or the state constitution or any law of this state requires the
 69 appointment of counsel; however, the director and the defenders shall not be required to
 70 provide legal services to persons charged with violations of county or municipal ordinances,
 71 or misdemeanor offenses except as provided in this section.

72 5. The director may:

73 (1) Delegate the legal representation of an eligible person to any member of the state
 74 bar of Missouri;

75 (2) Designate persons as representatives of the director for the purpose of making
 76 indigency determinations and assigning counsel.

77 **6. There is hereby created within the state treasury the "Public Defender-**
 78 **Federal and Other Fund", which shall be funded annually by appropriation and which**
 79 **shall contain moneys received from any other funds from government grants, private**
 80 **gifts, donations, bequests, or any other source to be used for the purpose of funding local**
 81 **offices of the office of state public defender. The state treasurer shall be the custodian of**
 82 **the fund and shall approve disbursements from the fund upon the request of the**
 83 **director of the office of state public defender. Any interest or other earnings with**
 84 **respect to amounts transferred to the fund shall be credited to the fund.**
 85 **Notwithstanding the provisions of section 33.080 to the contrary, any unexpended**
 86 **balances in the fund at the end of any fiscal year shall not be transferred to the general**
 87 **revenue fund or any other fund.**

621.045. 1. The administrative hearing commission shall conduct hearings and make
 2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
 3 any of the following agencies may be revoked or suspended or when the licensee may be
 4 placed on probation or when an agency refuses to permit an applicant to be examined upon
 5 his or her qualifications or refuses to issue or renew a license of an applicant who has passed
 6 an examination for licensure or who possesses the qualifications for licensure without
 7 examination:

8 Missouri State Board of Accountancy

9 Missouri State Board for Architects, Professional Engineers, Professional Land
 10 Surveyors and Landscape Architects

11 Board of Barber Examiners

12 Board of Cosmetology

13 Board of Chiropody and Podiatry

14 Board of Chiropractic Examiners

15 Missouri Dental Board

16 Board of Embalmers and Funeral Directors

17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Commerce and Insurance
26 Department of Mental Health
27 Board of Private Investigator Examiners.

28 2. If in the future there are created by law any new or additional administrative
29 agencies which have the power to issue, revoke, suspend, or place on probation any license,
30 then those agencies are under the provisions of this law.

31 3. The administrative hearing commission is authorized to conduct hearings and make
32 findings of fact and conclusions of law in those cases brought by the Missouri state board for
33 architects, professional engineers, professional land surveyors and landscape architects
34 against unlicensed persons under section 327.076.

35 4. **The administrative hearing commission is authorized to conduct hearings and**
36 **make findings of fact and conclusions of law in those cases brought by the division of**
37 **workers' compensation of the department of labor and industrial relations of the state of**
38 **Missouri against administrative law judges under section 287.610.**

39 5. Notwithstanding any other provision of this section to the contrary, after August
40 28, 1995, in order to encourage settlement of disputes between any agency described in
41 subsection 1 or 2 of this section and its licensees, any such agency shall:

42 (1) Provide the licensee with a written description of the specific conduct for which
43 discipline is sought and a citation to the law and rules allegedly violated, together with copies
44 of any documents which are the basis thereof and the agency's initial settlement offer, or file a
45 contested case against the licensee;

46 (2) If no contested case has been filed against the licensee, allow the licensee at least
47 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to
48 contact the agency to discuss the terms of such settlement offer;

49 (3) If no contested case has been filed against the licensee, advise the licensee that the
50 licensee may, either at the time the settlement agreement is signed by all parties, or within
51 fifteen days thereafter, submit the agreement to the administrative hearing commission for
52 determination that the facts agreed to by the parties to the settlement constitute grounds for
53 denying or disciplining the license of the licensee; and

54 (4) In any contact under this subsection by the agency or its counsel with a licensee
55 who is not represented by counsel, advise the licensee that the licensee has the right to consult
56 an attorney at the licensee's own expense.

57 ~~[5-]~~ 6. If the licensee desires review by the administrative hearing commission under
58 subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming
59 final, the licensee may rescind and withdraw from the settlement and any admissions of fact
60 or law in the agreement shall be deemed withdrawn and not admissible for any purposes
61 under the law against the licensee. Any settlement submitted to the administrative hearing
62 commission shall not be effective and final unless and until findings of fact and conclusions
63 of law are entered by the administrative hearing commission that the facts agreed to by the
64 parties to the settlement constitute grounds for denying or disciplining the license of the
65 licensee.

66 ~~[6-]~~ 7. When a holder of a license, registration, permit, or certificate of authority
67 issued by the division of professional registration or a board, commission, or committee of the
68 division of professional registration against whom an affirmative decision is sought has failed
69 to plead or otherwise respond in the contested case and adequate notice has been given under
70 sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case
71 under this chapter or chapter 536, a default decision shall be entered against the licensee
72 without further proceedings. The default decision shall grant such relief as requested by the
73 division of professional registration, board, committee, commission, or office in the writing
74 initiating the contested case as allowed by law. Upon motion stating facts constituting a
75 meritorious defense and for good cause shown, a default decision may be set aside. The
76 motion shall be made within a reasonable time, not to exceed thirty days after entry of the
77 default decision. "Good cause" includes a mistake or conduct that is not intentionally or
78 recklessly designed to impede the administrative process.

2 ~~[435.014. 1. If all the parties to a dispute agree in writing to submit~~
3 ~~their dispute to any forum for arbitration, conciliation or mediation, then no~~
4 ~~person who serves as arbitrator, conciliator or mediator, nor any agent or~~
5 ~~employee of that person, shall be subpoenaed or otherwise compelled to~~
6 ~~disclose any matter disclosed in the process of setting up or conducting the~~
7 ~~arbitration, conciliation or mediation.~~

8 ~~2. Arbitration, conciliation and mediation proceedings shall be~~
9 ~~regarded as settlement negotiations. Any communication relating to the~~
10 ~~subject matter of such disputes made during the resolution process by any~~
11 ~~participant, mediator, conciliator, arbitrator or any other person present at the~~
12 ~~dispute resolution shall be a confidential communication. No admission,~~
~~representation, statement or other confidential communication made in setting~~

13 ~~up or conducting such proceedings not otherwise discoverable or obtainable~~
14 ~~shall be admissible as evidence or subject to discovery.]~~

✓