



New Missouri Law: 2011

To: MCADSV Members
From: Colleen Coble, Chief Executive Officer
Date: August 30, 2011
Re: MCADSV's **New Missouri Law: 2011** publication

I am pleased to send you a copy of MCADSV's New Missouri Law: 2011 publication. It details the new Missouri laws related to domestic and sexual violence that were passed by the Missouri General Assembly. These laws went into effect on August 28, 2011. Due to the significant statutory changes that were enacted in 2011, the attached publication is separated into two chapters: 1) Senate Bill 320, which extensively revised domestic violence laws; and 2) other important changes to laws including trafficking crimes and others affecting survivors.

MCADSV had a very active and successful year during the 2011 session of the Missouri General Assembly. In this publication you will find the specifics of what the resulting changes were to Missouri laws, including where they can be found in Missouri statutes. Advocates can download copies of the laws from the Missouri General Assembly's website: www.moga.mo.gov (click on "Missouri Revised Statutes" and enter the statute number in the search field). Because it can take some time for all new laws to be posted on the legislature's website, advocates can use bill numbers to print copies of the legislation as it was passed (click on Joint Bill Tracking and enter the bill number in the search field—select the version noted as "Truly Agreed and Finally Passed").

If you have questions about the new laws or their implementation, please contact MCADSV. You can call the Coalition office toll-free at 1-888-666-1911 or the office line at 573-634-4161. For legal questions, contact Kelly Martinez, Legal Advocacy Specialist, at kellym@mocadsv.org and for other policy assistance regarding the new laws contact Emily van Schenk Hof, Policy Specialist, at evs@mocadsv.org. I can be reached at colleenc@mocadsv.org.

We have achieved these public policy goals together through our advocacy. Thank you in advance for your dedication to the next step of consistently implementing them in Missouri.

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CHAPTER I

EXTENSIVE REVISIONS TO MISSOURI DOMESTIC VIOLENCE LAWS: SENATE BILL 320

BACKGROUND—ATTORNEY GENERAL'S TASK FORCE ON DOMESTIC VIOLENCE

At the request of MCADSV, Missouri's Attorney General Chris Koster in 2010 established a Task Force on Domestic Violence—comprised of legislators, the Coalition's CEO and the Missouri Office of Prosecution Services director, to hold statewide hearings, review 30 years of existing state domestic violence laws, inquire about statewide and local practices of intervention, and issue a report recommending legislative and public policy changes.

The Task Force's public hearings involved survivors, advocates, judges, prosecutors, law enforcement officers, probation and parole officers, court clerks and members of the public. Each of these involved groups was asked to respond to three questions to guide the work of the Task Force relative to its review of existing Missouri domestic violence laws:

1. What sections of existing laws are working well and should not be changed?
2. What sections of law contain errors, need revisions or need to be deleted?
3. What provisions need to be added to enhance existing domestic violence laws?

In February, 2011, a report of consensus recommendations was issued by the Attorney General. Those recommendations formed the basis of legislation that was drafted and introduced in both the Missouri House and Senate. Senate Bill 320 was sponsored by Sen. John Lamping (R-St. Louis) and House Bills 504, 505 and 874 were sponsored by Rep. Ryan Silvey (R-Kansas City), Rep. Chris Kelly (D-Columbia) and Rep. Jeff Grisamore (R-Lee's Summit).

Senate Bill 320 was passed unanimously by the General Assembly and was signed into law by Governor Jay Nixon on July 12, 2011. As of August 28, 2011, the provisions of Senate Bill 320 are Missouri law.



NEW MISSOURI LAW: 2011

SB 320: DOMESTIC VIOLENCE LAW CHANGES LISTED BY TOPIC AND STATUTE SECTION

STATUTE
43.545
RSMo

DATING COUPLES AND JUVENILES INCLUDED IN STATEWIDE DOMESTIC VIOLENCE CRIME REPORTS

This section of law on statewide crime reports was modified in 43.545 RSMo. It now requires local law enforcement agencies to include domestic violence incidents among dating couples and juveniles in the annual domestic violence crime reports they submit to the Missouri State Highway Patrol. These crime reports are to include all incidents of domestic violence as it is defined in 455.010 RSMo, which includes dating couples and juveniles. Before this 2011 revision, the annual Highway Patrol report of domestic violence incidents only included violence between spouses, former spouses, persons related by blood or marriage, individuals residing together or who have resided together in the past and persons who have a child in common. As a result of this change, statewide law enforcement reports of domestic violence incidents should increase.

STATUTE
43.545
RSMo

ORDERS OF PROTECTION MAY BE ISSUED AGAINST RESPONDENTS YOUNGER THAN 17 YEARS OLD

Revisions to several sections of Missouri law allow Orders of Protection to be entered against a juvenile respondent—defined as a “child” younger than 17 years of age—to protect another juvenile or an adult. For the first time, this will allow courts to issue protection orders to address violence in relationships among teenagers, and abuse or stalking committed by juveniles. New sections of law govern the process by which those protection orders will be transferred to the Juvenile Court for Full Order of Protection hearings. No changes were made to the current law that requires a parent or guardian, guardian *ad litem*, court-appointed special advocate or juvenile officer to file on behalf of a child to protect him or her through a Child Order of Protection.

STATUTE
211.031.1
(6) RSMo

JUVENILE COURT JURISDICTION WHEN PROTECTION ORDER RESPONDENT IS LESS THAN 17 YEARS OLD

This section establishes that Juvenile Courts have jurisdiction in proceedings involving Orders of Protection when the respondent is less than 17 years of age. Other sections of law, listed below, detail the process by which an Order of Protection is to be transferred to the Juvenile Court for a hearing on a Full Order of Protection after an *Ex Parte* Order of Protection was granted in the Circuit Court against a juvenile respondent (a child less than 17 years of age).

SB 320: DOMESTIC VIOLENCE LAW CHANGES (CONT.)

STATUTES
455.010 (3),
455.010 (7),
455.010 (12)
RSMo

CHANGES TO DEFINITIONS TO ALLOW ORDERS OF PROTECTION AGAINST JUVENILE RESPONDENTS

Section 455.010 RSMo contains the definitions of terms used throughout the Adult Abuse Act in Chapter 455 RSMo. Several definitions were changed to allow a protection order to be entered against a juvenile—orders that previously could only be issued against an adult. Amendments to definitions include the definition of “child” in 455.010(3) RSMo, which is now defined as any person less than 17 years of age. Also changed were definitions that previously referred to an “adult” but that now refer to “any person.” This includes the definition in 455.010(7) of “family or household member” and the definition of “respondent” in 455.010(12). These definitions now allow a juvenile to be a respondent to a Child Order of Protection filed by a parent or guardian on behalf of a child, and/or a protection order sought by an adult. Just as for adult protection order respondents, a juvenile must have a relationship to the petitioner by being a family or household member, a person stalking the petitioner or petitioner’s child, a person with whom the petitioner’s child or petitioner has a child in common, and/or a person with whom the petitioner or petitioner’s child has or had a dating relationship.

STATUTE
455.035.2-3
RSMo

PROCESS FOR SERVING AN *EX PARTE* ORDER AGAINST A JUVENILE RESPONDENT; CIRCUIT COURT TRANSFER OF ORDER TO JUVENILE COURT JURISDICTION

A new provision in 455.035.2 RSMo specifies that service of an *Ex Parte* Order of Protection against a juvenile respondent will be made upon the parent or guardian of the juvenile, or upon a guardian *ad litem* appointed by the court. Subsection 455.035.3 RSMo further requires that an *Ex Parte* Order of Protection issued by the Circuit Court against a respondent less than 17 years of age be transferred to the Juvenile Court for a hearing on a Full Order of Protection.

STATUTES
455.513.1,
455.513.4
RSMo

***EX PARTE* CHILD ORDERS OF PROTECTION AGAINST JUVENILE RESPONDENTS TO BE TRANSFERRED TO JUVENILE COURT FOR FULL ORDER HEARINGS**

An amendment specific to child protection orders in 455.513.1 RSMo allows the Circuit Court to issue an *Ex Parte* Child Order of Protection against a respondent who is less than 17 years of age. Subsection 455.513.4 RSMo then directs the Circuit Court to transfer an *Ex Parte* Child Order of Protection to the Juvenile Court for a hearing on a Full Order of Protection.

NEW MISSOURI LAW: 2011

SB 320: DOMESTIC VIOLENCE LAW CHANGES (CONT.)

STATUTE
455.800
RSMo

JUVENILE RECORDS RELATED TO ORDERS OF PROTECTION TO BE KEPT CONFIDENTIAL

This new section of law requires that records related to Orders of Protection against juveniles be kept confidential and made available without a court order only to parents or guardians, guardians *ad litem*, juvenile officers, officials at the child's school, law enforcement officials, prosecuting attorneys, or persons or agencies having or proposed to provide care, custody or control or provide treatment to the child. This section mirrors other state laws restricting access to juvenile court records.

STATUTE
455.010(5)
RSMo

DEFINITION OF DOMESTIC VIOLENCE MADE CONSISTENT

Prior to amendments passed in 2011, Missouri statutes had conflicting definitions of domestic violence that were used throughout several chapters of law. All uses and references to "domestic violence" were amended to refer throughout Missouri statutes to the controlling definition in 455.010(5) RSMo. That definition includes abuse—assault, battery, coercion, harassment, sexual assault or unlawful imprisonment—or stalking. Amendments were made to the following sections of law to refer to the definition in 455.010(5) for domestic violence: 43.545; 452.375; 455.020; 455.050; 455.505; 455.516; 455.520; 455.543; and 527.290 RSMo.

STATUTE
455.027
RSMo

PETITIONERS CANNOT BE CHARGED FOR FILING PROTECTION ORDER CONTEMPT MOTIONS

Courts cannot charge any costs to protection order petitioners who file contempt motions to seek enforcement of an Order of Protection under the requirement of section 455.027 RSMo. This section specifically prohibits courts from charging petitioners any filing fees, court costs or bond when they file motions for contempt.

STATUTES
455.038,
455.040.3
RSMo

ENTRY INTO MULES REQUIRED FOR PROTECTION ORDER SERVICE, CUSTODY AND VISITATION DETAILS

Changes to 455.038 RSMo set a 24-hour time requirement for law enforcement agencies to enter information into the Missouri Uniform Law Enforcement System (MULES) when a protection order has been served on a respondent. Details on custody and visitation orders contained in Orders of Protection—including times and dates of custody and visitation schedules—also must be entered into MULES within 24 hours as required by Subsection 455.040.3 RSMo.

SB 320: DOMESTIC VIOLENCE LAW CHANGES (CONT.)

STATUTES
455.040.1,
455.516
RSMo

AUTOMATIC RENEWAL OF ORDERS OF PROTECTION ALLOWED IF RESPONDENT DOESN'T OBJECT

New sections in 455.040.1 RSMo for adult protection orders and 455.516.1 RSMo for child orders allow judges to include a provision in a Full Order of Protection that the order will renew automatically unless the respondent requests a hearing by 30 days prior to the expiration of the originally issued order. If a respondent objects and requests a hearing on the automatic renewal of the Order of Protection, the court will hold a hearing on the petitioner's request to renew the order. The law remains unchanged that no subsequent act of abuse is required for a renewal Order of Protection.

STATUTES
455.050.1,
455.520.1,
455.523.1
RSMo

JUDGES' GIVEN AUTHORITY TO CUSTOMIZE SPECIFIC ELEMENTS CONTAINED IN PROTECTION ORDERS

Prior to these changes in Missouri law, judges were limited to only 14 specific provisions listed in the statutes that they could include as orders of the court contained within an Order of Protection. That has changed as a result of amendments to Subsections 455.050.1, 455.520.1, and 455.523.1 RSMo. Under those provisions, judges have more discretion about what they can include in Adult and Child *Ex Parte* and Full Orders of Protection as prohibitions or requirements of respondents that are specific to the individual circumstances of the parties. The language in these subsections states that judges "may include such terms as the court reasonably deems necessary to ensure the petitioner's safety."

STATUTE
455.060.5
RSMo

COURTS ALLOWED TO INQUIRE OF PETITIONERS, OTHERS BEFORE DISMISSING PROTECTION ORDERS

Orders of Protection were among the only orders of the court that could be dismissed without any action or decision by a judge. Amendments to Subsection 455.060.5 RSMo specify that a protection order will no longer automatically be terminated when the petitioner for the order files a motion to dismiss it. The law now allows judges to examine the circumstances of the petitioner's motion and inquire of her or him and/or others to determine if the victim is terminating the order voluntarily or is being threatened or coerced to do so.

NEW MISSOURI LAW: 2011

SB 320: DOMESTIC VIOLENCE LAW CHANGES (CONT.)

STATUTES
455.085.7-8,
455.538.4
(1) RSMo

PROTECTION ORDER VIOLATIONS THAT TRIGGER ARREST EXPANDED

The actions of a respondent that are cause for arrest as a violation of an Order of Protection were expanded under these changes in law. Respondents who enter a petitioner's place of employment or school or who are within a certain distance of the petitioner or a child of the petitioner are in violation of the Order of Protection and are subject to criminal penalties—arrest and criminal charges—under the changes in 455.085.7-8 and 455.538.4(1) RSMo. Previously, the only actions that could trigger an arrest occurred when the respondent abused, stalked or violated conditions of the Order of Protection related to child custody, communication with the petitioner or entry into the petitioner's home or dwelling unit. These changes apply to violations of Adult *Ex Parte* and Full Orders of Protection and Child *Ex Parte* and Full Orders of Protection.

STATUTES
455.085.7-
8, 455.538,
565.074.3
RSMo

MUNICIPAL AND COUNTY CONVICTIONS USED TO ENHANCE STATE DV PENALTIES

New sections of law 455.085.7-8 and 455.538 RSMo allow previous guilty pleas or convictions in municipal or county courts ("any division of the circuit court") for violations of protection orders to be used to enhance penalties for violations of Adult and Child *Ex Parte* and Full Orders of Protection filed as criminal charges in state court proceedings. Violations of municipal and county ordinances that, if they were charged at the state level would be domestic assault crimes, also can be used to enhance penalties for state-charged third degree domestic assault crimes under 565.074.3 RSMo.

STATUTES
455.520,
455.523,
455.538.4
(1) RSMo

CONSISTENCY AMONG PROVISIONS FOR ADULT AND CHILD ORDERS OF PROTECTION

Modifications to several sections of Chapter 455 RSMo, the Adult Abuse Act, were made to delete inconsistencies among the statutes for Adult and Child Orders of Protection. Sections 455.520.1(3) and 455.523 RSMo prohibit those subject to an *Ex Parte* or Full Child Order of Protection from communicating with victims "in any manner or through any medium." This language parallels the prohibitions for Adult Orders of Protection. Child Orders of Protection, under Subsection 455.538.1 (1) RSMo, are now consistent with provisions for adult orders by including in Subsection 455.538.1(1) the provision that communication with a petitioner is a violation of the child protection order. That Subsection also provides enhanced penalties for repeated violations of Child Orders of Protection, an element that was missing from previous law.

SB 320: DOMESTIC VIOLENCE LAW CHANGES (CONT.)

**STATUTE
455.549
RSMo**

DIVISION OF PROBATION AND PAROLE TO SET STANDARDS FOR BATTERER INTERVENTION PROGRAMS

Section 455.549 RSMo gives authority to the Division of Probation and Parole within the Department of Corrections to establish standards and adopt a credentialing process for court-ordered batterer intervention programs. It is anticipated that the Division will adopt MCADSV's Batterer Intervention Program Standards, which currently are used within the Division's own programs for domestic violence offenders, and which were developed by MCADSV member programs and advocates in Missouri who provide batterer intervention program services.

**STATUTE
589.683
RSMo**

SAFE AT HOME ADDRESS CONFIDENTIALITY PROGRAM REAUTHORIZED

A statutory "sunset clause" was deleted from Section 589.683 RSMo that would have ended the Missouri Safe at Home address confidentiality program if it was not repeatedly reauthorized in legislation passed by the Missouri General Assembly. This allows the Safe at Home Program to continue operating (providing an alternate mailing address to enhance safety and confidentiality for survivors of stalking, domestic and sexual violence) without a need for legislators to reauthorize the program in the future.

**STATUTE
595.100.1
RSMo**

ADMINISTRATIVE COSTS ALLOWED UNDER STATE SERVICES TO VICTIMS FUND GRANTS

Agencies and organizations funded through State Services to Victims' Fund (SSVF) grants are allowed to use no more than 10 percent of those funds for administrative purposes under changes made to 595.100.1 RSMo. Previously, programs were not allowed to use any SSVF funds for administrative purposes. Language passed in a separate Fiscal Year 2012 appropriations bill that contains SSVF funding authorized the use of no more than 5 percent of funds for administrative purposes in that state fiscal year. It can be expected that annual reviews of this allowable administrative percentage will occur through the state budget process during each legislative session.

**STATUTE
595.220.1
(2) RSMo**

REIMBURSEMENT MAXIMUMS TO BE SET FOR SEXUAL ASSAULT FORENSIC EVIDENCE EXAMS

Under the provisions of section 595.220.1(2) RSMo, the Missouri Department of Public Safety is directed to establish maximum per-exam reimbursement rates for sexual assault forensic evidence examinations. This regulatory and rule-making authority for the Department was provided in statute to ensure the long-term solvency of the Sexual Assault Forensic Exam (SAFE) program which, prior to this change in statute, had no ability to set cost limits for the per-exam amount reimbursed to hospitals and child advocacy centers for conducting forensic evidence exams on victims of sexual crimes.

NEW MISSOURI LAW: 2011
CHAPTER 2

TRAFFICKING

STATUTES
566.200–
566.213
RSMo

ACTIVITIES THAT CONSTITUTE TRAFFICKING EXPANDED AND PENALTIES ENHANCED

Revisions to Missouri laws 566.200—566.213 RSMo expand the activities that constitute forced labor, sexual exploitation and sexual trafficking of a child. In law, the elements comprising the crime of trafficking now include “force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm” used to induce someone to participate in labor or sexual activities. The revised statute also clarifies and expands the activities of sex trafficking victims from sexual conduct to participation in a sexual performance or the production of sexually explicit materials as well. Finally, the penalties for forced labor, sexual exploitation and sexual trafficking of a child were increased under revisions to 566.200 through 566.213 RSMo.

PASSED AS
HB 214

STATUTE
566.218
RSMo

RESTITUTION REQUIREMENTS ADDED FOR TRAFFICKING VICTIMS

Missouri law 566.218 RSMo was amended to require courts to order defendants convicted of trafficking to pay restitution to victims to compensate for the value of the victim’s labor and/or for the mental and physical rehabilitation of the victim.

PASSED AS
HB 214

STATUTE
566.223.2
RSMo

AFFIRMATIVE DEFENSE ESTABLISHED FOR PROSTITUTION ACTIVITIES IF TRAFFICKED

This new subsection of Missouri law, 566.223.2 RSMo, creates an affirmative defense for prostitution if the persons who commit the offenses do so as an aspect of being trafficked themselves.

PASSED AS
HB 214

STATUTE
566.223.3
RSMo

DEPARTMENT OF PUBLIC SAFETY AUTHORIZED TO ESTABLISH PROCEDURES AND PROVIDE TRAINING

The Department of Public Safety (DPS) is authorized under the new provisions of 566.223.3 RSMo to establish procedures for identifying victims of trafficking. DPS may also establish training programs and protocols for agencies that respond to trafficking crimes and victims. When the law was passed in 2011, no funding was included in the state budget to implement these activities through DPS.

PASSED AS
HB 214

NEW MISSOURI LAW: 2011

TRAFFICKING (CONT.)

STATUTE
566.223.4-
5 RSMo

PASSED AS
HB 214

DEPARTMENT OF SOCIAL SERVICES TO COORDINATE SERVICES TO TRAFFICKING VICTIMS

Law enforcement agencies must notify the Department of Social Services (DSS) when they encounter a person who appears to be a victim of trafficking under Subsection 566.223.4 RSMo. Additional new provisions in 566.223.5 RSMo allow DSS to coordinate with state, federal and local agencies to provide services for victims of trafficking. Additionally, state agencies may implement programs and enter into contracts with nonprofit agencies, including domestic and sexual violence programs if funds are appropriated for those purposes.

STATUTE
566.223.6
RSMo

PASSED AS
HB 214

TRAFFICKING VICTIMS MAY BRING CIVIL ACTION

Victims of trafficking are allowed to file for civil damages under new Missouri law 566.223.6 RSMo.

DRUG TESTING OF TANF RECIPIENTS

STATUTE
208.027
RSMo

PASSED AS
HB 73 &
47

TANF RECIPIENTS TO BE TESTED FOR ILLEGAL DRUGS

New Missouri law 208.027 RSMo requires the Department of Social Services, Family Support Division, to screen for illegal drug and substance abuse among those applying for or receiving Temporary Assistance for Needy Families (TANF) public assistance benefits. It also requires Child Protection Services involvement when a TANF recipient tests positive for controlled substances. The law further denies TANF benefits for three years to an adult who refuses a “urine dipstick five-panel” drug test, denies benefits to an adult who tests positive but can’t or won’t obtain treatment, gives the TANF benefits to a third-party payee (if the parent is denied benefits due to a positive drug screen) to ensure those funds are spent for the children in that home and allows TANF recipients who test positive for drugs to continue to receive TANF benefits if they are able to get into treatment and stay clean through random recurring drug tests. The new law also requires photos on TANF electronic benefit cards (EBTs).

ORDERS OF PROTECTION

STATUTE
455.007
RSMo

EXPIRED ORDERS OF PROTECTION CAN BE APPEALED

A respondent to an Order of Protection is given the right to appeal that order at the Appellate Court level even if it is expired under the provisions of 455.007 RSMo. This new law requires that the “public interest exemption to the mootness doctrine” allow an individual to appeal an expired Order of Protection if the record of the Order would subject the person to “significant collateral consequences.”

PASSED AS
HB 111

CHILD SUPPORT

STATUTE
452.340
RSMo

CHILD SUPPORT ADJUSTMENTS

Modifications to Section 452.340 RSMo require the Supreme Court of Missouri to amend child support guidelines. This new law is specific to joint physical custody awards where the child or children spend equal time with both parents and allows judges to award child support in an amount that provides up to a 50 percent adjustment below otherwise established child support amounts.

PASSED AS
HB 111

STATUTE
568.040
RSMo

CRIMINAL NONSUPPORT STANDARD CHANGED

A person now commits the crime of criminal nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as legally obligated, as provided under revisions to Section 568.040 RSMo. Prior to this 2011 amendment, the standard for criminal nonsupport was that a person failed to provide the required child support without good cause.

PASSED AS
HB 111

SCHOOLS

STATUTE
566.086
RSMo

SEXUAL CONTACT WITH A STUDENT PROHIBITED ON OR OFF SCHOOL PROPERTY

Clarification of Section 566.086 RSMo now specifies that sexual contact with a student is prohibited, whether it occurs on or off of school property. Previously, sexual contact with a student and a person who works for or volunteers at a school was only prohibited on school property.

PASSED AS
HB 111

NEW MISSOURI LAW: 2011

SCHOOLS (CONT.)

STATUTES
37.710,
160.262
RSMo

PASSED AS
SB 54

AUTHORITY OF THE OFFICE OF THE CHILD ADVOCATE INCREASED

The Office of the Child Advocate, under Section 37.710 RSMo, now has the authority to file its findings or reports with courts and to issue recommendations regarding an investigation undertaken by the Office. The Office may also mediate between alleged victims of sexual misconduct and school districts. The process for mediation is detailed in Section 160.262 RSMo, which specifies that no party can be forced to enter into such mediation.

STATUTE
160.261.11
RSMo

PASSED AS
SB 54

REPORTS OF SEXUAL MISCONDUCT MUST BE REPORTED TO CHILDREN'S DIVISION WITHIN 24 HOURS

Schools are legally required by new Subsection 160.261.11 RSMo to report allegations of sexual misconduct on the part of a teacher or school employee to Children's Division within 24 hours. Schools may only investigate these allegations for the purposes of making employment decisions.

STATUTE
162.014
RSMo

PASSED AS
SB 54

REGISTERED SEX OFFENDERS PROHIBITED FROM BEING CANDIDATES FOR SCHOOL BOARD

A registered sex offender, or a person required to be registered as a sex offender, is prohibited from being a candidate for school board under new Missouri law 162.014 RSMo. A sitting school board member who is a registered sex offender, and who was elected prior to the effective date of this 2011 law, will not be eligible to serve as a board member at the conclusion of his or her term.

STATUTE
162.068
RSMo

PASSED AS
SB 54

SCHOOL DISTRICTS MUST INFORM OTHER SCHOOL DISTRICTS OF SEXUAL MISCONDUCT BY FORMER EMPLOYEES

New Missouri law 162.068 RSMo requires that school districts inform other public schools of substantiated allegations of sexual misconduct on the part of former employees when responding to reference checks. The law also requires that all public school districts adopt a policy on information that the district will provide about former employees to other public schools. If a school district dismisses or allows an employee to resign as a result of a substantiated case of sexual misconduct, and does not disclose this information to another school district, the school district will be liable for damages caused to a student or school district. The provisions of Subsection 162.068.3 RSMo grant civil immunity to school district employees who respond to requests for information regarding former employees if they are following the school district policy.

SCHOOLS (CONT.)

STATUTES
162.068.2,
162.068.6
RSMo

SCHOOL DISTRICTS MUST IMMEDIATELY DISMISS ANY PERSON FOUND TO HAVE A SUBSTANTIATED CASE OF SEXUAL MISCONDUCT

When the Children's Division substantiates allegations of sexual misconduct by a school district employee, the school district must immediately dismiss the employee as required by Subsection 162.068.2 RSMo. If the substantiated finding is reversed by a court on appeal, the school district may return the employee to his/her position. This new law also specifies that schools districts are not prohibited from lawfully terminating an employee when there has been an unsubstantiated finding of sexual misconduct. Also, Subsection 162.068.6 RSMo prohibits school districts from discharging or discriminating against an employee who, acting in good faith, reports alleged sexual misconduct.

PASSED AS
SB 54

STATUTE
162.069
RSMo

COMMUNICATIONS BETWEEN SCHOOL EMPLOYEES AND STUDENTS LIMITED

All school districts are required by Section 162.069 RSMo to adopt a written policy regarding communications between school employees and students. The policy must cover appropriate spoken and nonverbal personal communication and appropriate use of electronic media, including text messaging and social networking sites. Teachers are prohibited from establishing a work-related Internet site unless the site is available to school administrators and students' parents or legal guardians. Also, teachers are prohibited from establishing or using Internet sites that are not work-related (i.e. Facebook or other social networking sites) that allow exclusive access with a current or former student. The definition of "former student" allows teachers to use social media with students who are 18 years of age or older and have graduated.

PASSED AS
SB 54

STATUTE
162.069.2
RSMo

SCHOOL EMPLOYEE TRAINING REQUIRED

New Subsection 162.069.2 RSMo requires that by July 1, 2012, school districts must include in teacher and employee training information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults.

PASSED AS
SB 54

STATUTES
168.021,
168.133
RSMo

BACKGROUND CHECKS ENHANCED

Teachers are required by Subsection 168.021.3 RSMo to undergo background checks in order to receive a license to teach in the state's public schools. Additionally, Section 168.133 RSMo requires the Department of Elementary and Secondary Education to perform an annual background check on teachers with an active license, as well as those working as school bus drivers, using the state's criminal history record, the sex offender registry and the child abuse central registry.

PASSED AS
SB 54

NEW MISSOURI LAW: 2011

COURTS

STATUTE
485.350
RSMo

GUARDIAN AD LITEM STANDARDS TO BE UPDATED

Section 485.350 RSMo requires the Supreme Court of Missouri to adopt and implement mandatory revised statewide standards for guardians *ad litem*. The revisions to these standards will be released and implemented statewide by the Supreme Court of Missouri at some time after August 28, 2011.

PASSED AS
SB 237

SEX OFFENSES

STATUTE
566.147
RSMo

SEX OFFENDERS PROHIBITED FROM LIVING WITHIN 1,000 FEET OF PRIVATE HOME DAY CARE CENTERS

Areas where convicted sex offenders (convicted after 1979) are prohibited from living now include locations within 1,000 feet of private home day care centers, as required by Section 566.147 RSMo.

PASSED AS
HB 111 &
SB 250

STATUTE
589.040
RSMo

SEXUAL OFFENDERS MUST COMPLETE TREATMENT AND EDUCATION BEFORE BEING ELIGIBLE FOR PROBATION OR PAROLE

A person incarcerated for a sexual assault offense is required by new Section 589.040 RSMo to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

PASSED AS
HB 111 &
SB 250

STATUTE
556.037
RSMo

STATUTE OF LIMITATIONS CHANGED FOR SEXUAL OFFENSES AGAINST CHILDREN

A modification to Subsection 566.037 RSMo lengthened the statute of limitations—from 20 years to 30 years after the victim turns 18—for the prosecution of unlawful sexual offenses involving a person 18 years of age or younger.

PASSED AS
SB 54

OFFENDERS

STATUTE
221.503
RSMo

JAILS MUST NOTIFY MULES OF ESCAPEES

Jails or detention facilities must notify the Missouri Uniform Law Enforcement System (MULES) within five hours of the escape of certain dangerous felons as required by Section 221.503 RSMo.

PASSED AS
HB 38

STATUTES
221.025,
544.455,
557.011
RSMo

ELECTRONIC MONITORING ALLOWED

Revisions to Sections 221.025, 544.455 and 577.011 RSMo expanded the jurisdiction of courts to impose electronic monitoring requirements. Judges are allowed to place a person on electronic monitoring when granting pre-trial release, or may order a person to serve part or all of a sentence of confinement on electronic monitoring. All costs associated with electronic monitoring must be charged to the person on house arrest. If an offender is a prior, persistent, aggravated, or chronic offender, a court cannot place that individual on electronic monitoring in lieu of the required imprisonment, community service, or court-ordered treatment program involving community service.

PASSED AS
HB 111

PERSONS WITH DISABILITIES

STATUTE
211.447.10
RSMo

DISABILITY OF PARENT CANNOT BE BASIS FOR TERMINATING PARENTAL RIGHTS

New Subsection 211.447.10 RSMo specifies that the disability of a parent cannot be a basis for determination that a child is in need of care or should be removed or parental rights terminated without certain court findings.

PASSED AS
HB 555

STATUTE
178.900
RSMo
(changes
made
throughout
Missouri
statutes)

LANGUAGE REGARDING PERSONS WITH DISABILITIES UPDATED IN STATUTES

Missouri statutes were revised to replace all references to “mentally retarded,” “mental retardation,” or “handicapped” with “persons with a disability,” “disabled,” “developmental disability” or “intellectual disability.”

PASSED AS
HB 555

NEW MISSOURI LAW: 2011

FIREARMS

STATUTES
571.101.2,
571.117
RSMo

AGE REQUIRED FOR CONCEALED CARRY ENDORSEMENT LOWERED TO 21

Persons who are 21 years of age or older are allowed to obtain a concealed carry endorsement for firearms under revisions to Subsection 571.101.2 and Section 571.117 RSMo that lowered the age of eligibility from 23 to 21 years of age.

PASSED AS
HB 294

STATUTE
571.107
RSMo

GOVERNMENT OFFICIALS ALLOWED TO CARRY FIREARMS IN THE STATE CAPITOL BUILDING

An amendment to Section 571.107 RSMo now allows concealed firearms to be possessed in the Missouri Capitol by members of the General Assembly, legislative employees of the General Assembly, and statewide elected officials and their employees if they hold a valid concealed carry endorsement.

PASSED AS
HB 294

STATEWIDE TASK FORCE

STATUTE
160.2100
RSMo

TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN CREATED

A new Task Force on the Prevention of Sexual Abuse of Children was established under Section 160.2100 RSMo. The Task Force is directed to study the sexual abuse of children and has the following membership: Missouri Representatives and Senators, the Director of the Department of Social Services, the Commissioner of Education, the Director of the Office on Prosecution Services, a law enforcement official, teachers, a school superintendent, representatives from organizations involved in forensic investigations related to child abuse and the Missouri Network of Child Advocacy Centers, a representative of juvenile and family court and a representative from the state domestic violence coalition. The Task Force is required to issue a report with recommendations for preventing child sexual abuse by January 1, 2013 (at which point the Task Force will end).

PASSED AS
SB 54

NONPROFIT CORPORATIONS

STATUTE
351.340
RSMo

CORPORATE COMMITTEE MEETINGS ALLOWED ELECTRONICALLY

A new section of law, 351.340 RSMo, allows actions to be taken by corporate committees—including those of nonprofit corporations—without an in-person meeting if all of the board or committee members consent by electronic transmission. A record of those electronic transmissions must be filed with the minutes of the corporate meetings.

PASSED AS
HB 111