

# Missouri Family Network 2011 Legislative Roundup

*Key bills passed during the first regular session  
of the 2011 Missouri State General Assembly*

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**SS/SB 55** Reclassifies sawmills and planing mills as agricultural and horticultural property instead of commercial property for property taxation purposes.

**CCS HCS#2 SCS SB 117** Allows the imposition of a hospital district sales tax in lieu of a property tax to fund certain hospital districts

**CCS/HCS/SB 284** - This act modifies the exemption from state and local sales tax for certain medical supplies.

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**HB 229** -- PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY for qualified military service and spouses.

**SCS HB 307 & 812** "COMBAT ACTION" license plate.

**HB 358** -- POLICE RETIREMENT SYSTEM OF ST. LOUIS and qualified military services and surviving spouses.

### **Notable Failed Legislation**

PRC Tax Credit Extension (expires August 2012)

**HB 708 & SB 308** International Law vs. American Law for American Courts.

**SB 20 & SB 21** Compulsory attendance age changes – *(proposed by labor unions)*

**SB 219** Casino credit transactions, added to bill late – did NOT pass

No homosexual policies adopted – nor Governor Executive Order addressed

No new taxes unless replacing current forms, and only with voter approval.

No School District impositions of income taxes.

**NO Constitutional Convention (con-con) resolutions!**

Etc.

*June 10 – Signed Into Law*

**HB 5** Section 5.147. To the Office of Administration For the purpose of funding alternatives to abortion services for women at or below 200 percent (200%) of Federal Poverty Level, consisting of services or counseling offered to a pregnant woman and continuing for one year thereafter, to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption, including, but not limited to the following: prenatal care; medical and mental health care; parenting skills; drug and alcohol testing and treatment; child care; newborn or infant care; housing utilities; educational services; food, clothing, and supplies relating to pregnancy, newborn care, and parenting; adoption assistance; job training and placement; establishing and promoting responsible paternity; ultrasound services; case management; domestic abuse protection; and transportation. Actual provisions and delivery of such services shall be dependent on client needs and not otherwise prioritized by the Office of Administration. Such services shall be available only during pregnancy and continuing for one year thereafter, and shall exclude any family planning services. None of these funds shall be expended to perform or induce, assisting the performing or inducing of, or refer for, abortions; and none of these funds shall be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of, or refer for, abortions

From General Revenue Fund. . . . . \$1,583,561

*July 8 – Signed Into Law*

**HCS HB 197 -- CORD BLOOD BANKING** This bill requires the Director of the Department of Health and Senior Services to post on its web site resources relating to umbilical cord blood that have been developed by the Parent's Guide to Cord Blood Foundation or a successor organization which includes an explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells; the differences between using one's own blood cord cells and using related or unrelated cord blood stem cells in the treatment of disease; the differences between public and private cord blood banking; various options to a mother for donating, storing, or discarding stem cells contained in the cord blood; and other specified subjects. Beginning October 1, 2011, a licensed physician who provides obstetrical or gynecological care to a pregnant woman can make available to the patient prior to the beginning of her third trimester or, if later, at her first visit the information posted on the department's web site regarding umbilical cord blood banking.

*July 14, 2011 - Article 3, Section 31, constitutionally passed without veto or Gubernatorial signature*

**SS HCS HB 213 -- LATE-TERM ABORTIONS BAN** This bill revises the definition of "abortion" to include using or prescribing any medicine, instrument, or device with the intent to destroy the life of an unborn child and terminating a pregnancy with an intent other than to increase the probability of a live birth or to remove a dead or dying unborn child. No abortion of a viable unborn child can be performed or induced except in the case of a medical emergency where the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards.

If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable by performing medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and enter that information in the woman's medical record. If a physician determines the gestational age of the unborn child is 20 weeks or more and the unborn child is not viable and an abortion is performed or induced, the

physician must report these findings and determinations and the reasons for the determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The physician must also enter the determinations in the woman's medical records and in the individual abortion report submitted to the Department of Health and Senior Services. If a physician determines that the unborn child is viable, the physician cannot perform or induce an abortion except in the case of a medical emergency as specified in the bill.

A physician must certify in writing the medical threat posed to the life of the pregnant woman or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman before the physician can proceed with performing or inducing an abortion on a woman when it has been determined that the unborn child is viable.

Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must:

- (1) Obtain the agreement of a second physician who has knowledge of accepted obstetrical and neonatal practices and standards and concurs that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician must also report the reasons and determinations to the health care facility and the department and enter that information in the woman's medical record and the individual report to the Department of Health and Senior Services. The second physician cannot have any legal or financial affiliation or relationship with the physician performing or inducing the abortion; however, this will not apply to a physician whose affiliation or relationship is the result of being employed by or having staff privileges at the same hospital;
- (2) Use the available method or technique of abortion that is most likely to preserve the life or health of the unborn child;
- (3) Certify in writing the available methods considered and the reasons for choosing the method used; and
- (4) Have in attendance at the abortion a second physician who is responsible for taking control of and providing immediate medical care for a child born as a result of the abortion.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between \$10,000 and \$50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or revoked by the State Board of Registration for the Healing Arts. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license.

*This bill is identical to SB 65*

*July 14, 2011 - Article 3, Section 31, constitutionally passed without veto or Gubernatorial signature*

**SS/SCS/SB 65** - This act modifies provisions relating to abortion. The definition of "abortion" is amended to include the act of using or prescribing any medicine, instruments or devices with the intent to destroy the life of the unborn child. Abortion shall also be the act of terminating a pregnancy with an intent other than to increase the probability of a live birth, to remove a dead or dying unborn child. A definition for "reasonable medical judgment" is added which is one made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and

irreversible physical impairment of a major bodily function or the pregnant woman. For purposes of this act, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**GESTATIONAL AGE AND VIABILITY** This act provides that, except in the case of a medical emergency, prior to performing or inducing an abortion upon any woman, the physician shall determine the gestational age of the unborn child. If the physician determines the unborn child is 20 weeks or more, the physician shall determine if the unborn child is viable. The standards and practices required to determine both gestational age and viability are prescribed under the act.

If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

**UNBORN CHILD WHO IS VIABLE** This act prescribes the reporting and certification requirements a physician must follow when performing or inducing an abortion when the unborn child is viable. In addition, before such abortion, the physician shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital.

The requirements regarding the method or techniques to be used on a viable unborn child and regarding a second physician in attendance are the same as under current law and are prescribed under the act.

**UNBORN CHILD WHO IS NOT VIABLE** If the physician determines that the gestational age of the unborn child is 20 weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the Department of Health and Senior Services.

**PENALTIES** Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this act is guilty of a Class C felony, and upon a finding of guilt or a plea of guilty, shall be imprisoned for a term of not less than one year and shall be fined not less than ten thousand nor more than fifty thousand dollars.

Any physician who pleads guilty to or is convicted of performing or inducing an abortion of an unborn child in violation of this act shall be subject to suspension or revocation of his or her license to practice medicine in the by the State Board of Registration for the Healing arts.

Any hospital or ambulatory surgical center that knowingly allows an abortion of an unborn child to be performed or induced in violation of this act shall be subject to suspension or revocation of its license. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

Nothing in this act shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful. The General Assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

*This act is identical to SS/HCS/HB 213 (2011).*

# House Resolution No. 1826

INTRODUCED BY REPRESENTATIVES LONG (Sponsor), HOUGH, HOUGHTON, DAY, WRIGHT, LAIR, GRISAMORE, SCHATZ, HIGDON, BROWN (116), DIECKHAUS, LAUER, CROSS, GATSCHENBERGER, THOMSON, RUZICKA, WETER, NOLTE, FRANZ, KORMAN, RIDDLE, DENISON, SHUMAKE, ROWLAND, BERNSKOETTER, SCHAD, JONES (89), LICHTENEGGER, McCAHERTY, COX, FUNDERBURK, SOLON, McNARY, LEACH, NETH, KOENIG, CURTMAN, STREAM, TILLEY, WIELAND, SMITH (150), SCHIEBER, BERRY, REIBOLDT, LANT, BROWN (85), FUHR, WHITE, DAVIS, ELMER, CRAWFORD, ENTLICHER, ALLEN, FLANIGAN, KLIPPENSTEIN, REDMON, BARNES, PARKINSON, RICHARDSON, NANCE, LOEHNER, CAUTHORN, LASATER, HINSON, DIEHL, SCHOELLER, BAHR, ASBURY, BLACK, KELLEY (126), FRAKER, KEENEY, FITZWATER, WYATT, FRANKLIN, JONES (117), LARGENT, ZERR, HAEFNER, CONWAY (14), MARSHALL, SILVEY, COOKSON, TORPEY, HOSKINS, MOLENDORP, HARRIS, KRATKY, MEADOWS, FALLERT, CASEY, SCHIEFFER, QUINN, SATER, FISHER, McGEORGHEGAN, SCHARNHORST AND POLLOCK (Co-sponsors).

**WHEREAS**, the life-affirming impact of pregnancy resource centers and maternity homes on women, families, and the communities they serve is considerable and growing, and pregnancy resource centers and maternity homes serve with integrity and compassion; and

**WHEREAS**, more than 65 pregnancy resource centers and maternity homes throughout Missouri provide care to women and their families facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and

**WHEREAS**, according to the Missouri Department of Social Services, in fiscal year 2010, Missouri's pregnancy resource centers and maternity homes served about 38,000 clients, with services which include free pregnancy tests; baby and maternity clothing; diapers; childbirth, parenting, GED, budgeting, and job training classes; housing; ultrasound services; and

**WHEREAS**, many pregnancy resource centers and maternity homes offer twenty-four hour telephone hotlines; information on adoption and adoption counseling; referrals to community, health care, and other support services, in addition to other prenatal services that lead to the birth of healthy infants; and

**WHEREAS**, pregnancy resource centers and maternity homes encourage pregnant women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

**WHEREAS**, pregnancy resource centers and maternity homes provide women with compassionate and confidential counseling in a nonjudgmental manner regardless of their pregnancy outcomes, as well as providing abstinence education, domestic violence information, and relationship counseling; and

**WHEREAS**, many pregnancy resource centers and maternity homes provide grief assistance for women who regret the loss of a child from past choices they made or the circumstances they were placed in; and

**WHEREAS**, pregnancy resource centers and maternity homes operate primarily through the voluntary donations and time of caring individuals, as well as the support of churches, who are committed to caring for the needs of women and their families and promoting and protecting life:

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, hereby support the work of pregnancy resource centers and maternity homes in this state and acknowledge their outstanding service to women and families in Missouri in providing holistic life changing services beyond the state's ability

*July 8 – Signed Into Law*

**SS SCS HCS HB 45 -- SMALL BUSINESS TAX RELIEF**

This bill changes the laws regarding the Big Government Get Off My Back Act which provides tax relief to certain small businesses. In its main provisions, the bill:

- (1) Specifies that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program must be subject to authorization through appropriation or statutory enactment;
- (2) Extends from four years to five years the restriction on an increase for any state-imposed user fee and the requirement that any state agency proposing a rule to certify that it does not have an adverse impact on small businesses; that it is necessary to protect the life, health, or safety of the public; or that a small business is exempt from the rule;
- (3) Revises the definition of "small business" to include businesses with fewer than 50 employees instead of the current 25; and
- (4) Authorizes, for tax years 2011 through 2014, an income tax deduction for a small business for each full-time job created with an annual salary of at least the county average wage as determined by the Department of Economic Development. To be a full-time job, the employee must work at least an average of 35 hours per week for a 52-week period. The business will be allowed a deduction of \$10,000 for each new full-time job created or \$20,000 for each full-time job if the business offers health insurance and pays at least 50% of the premiums.

The provisions of the bill will expire December 31 three years from the effective date.

*July 11 – Signed Into Law*

**SS#2 SCS HCS HB 89 -- NATURAL RESOURCES**

This bill changes the laws regarding natural resources.

**ADMINISTRATIVE HEARING COMMISSION (Section 621.250)**

Currently, any party who is affected by a finding, order, decision, or assessment made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission. The bill specifies that the party must be aggrieved or adversely affected by the finding, order, decision, or assessment in order to file an appeal.

Currently, the commission has discretion as to whether or not to hold a hearing on an appeal request. The bill requires the commission to hold a hearing and make a recommended decision within 60 days of the date of the request or make a recommended decision within the 60-day period based on the stipulation of the parties, consent order, or agreed settlement or by the disposition in the nature of default judgment, judgment on the pleadings, or summary determination. The commission must issue its final decision on an appeal of a decision by the Director of the Department of Natural Resources within 90 days of the date the notice of appeal is filed.

The bill prohibits a cause of action or appeal arising out of a finding, order, decision, or assessment of a regulatory environmental commission from accruing in any court unless the party has already filed a notice of appeal and received a final decision in accordance with these provisions.

**ENVIRONMENTAL PERMITS (Section 640.018)**

In any case in which the Department of Natural Resources has not issued a permit or made a permit decision by the expiration of the statutorily required time frame, the permit must be issued as of the first day following the expiration if all the necessary information has been submitted for the application and the department has had the information for the duration of the required time frame.

*June 17 – Signed Into Law*

**SCS HCS HB 38 -- WORK-OFF RATE FOR COUNTY PRISONERS - NOTIFICATION OF JAIL ESCAPES**

Increases the work-off rate for county prisoners from \$10 per day to a portion of the judgment that is equal to the greater of actual daily incarceration or an amount the municipality is reimbursed by the state for incarceration.

The chief law enforcement official responsible for a municipal detention facility or a county or regional jail or the chief administrator of a private jail must notify the Missouri Uniform Law Enforcement System (MULES) as soon as reasonably possible but no later than five hours after an escape of a prisoner who has been convicted of murder in the first degree or a dangerous felony or who is being held on suspicion of having committed murder in the first degree or a dangerous felony. The notification may include the name, description, and photograph of the prisoner as well as any other relevant facts. It must include all crimes the person was incarcerated for and contact information for the jail or detention facility in order to report information concerning whereabouts of the escapee.

*July 8 – Signed Into Law*

**SS#2 SCS HCS HB 111 -- JUDICIAL PROCEDURES** This bill changes the laws regarding judicial procedures.

**ELECTRONIC MONITORING** (Sections 221.025, 544.455, 544.470, and 557.011) The bill allows a judge to release a person before trial on electronic monitoring or order a person to serve part or all of a sentence of confinement on electronic monitoring. All costs associated with electronic monitoring will be charged to the person on house arrest.

A judge may credit any period of electronic monitoring against any period of confinement or incarceration ordered; however, electronic monitoring will not be considered to be in custody or incarceration for purposes of eligibility for MO HealthNet benefits or for purposes of determining responsibility for the individual's health care.

A court may not place an individual on electronic monitoring in lieu of the required imprisonment, community service, or court ordered treatment program involving community service, if that individual is a prior, persistent, aggravated, or chronic offender sentenced pursuant to Section 577.023.

**CERTAIN MISDEMEANOR VIOLATIONS** (Sections 302.020, 302.321, 303.025, and 311.325) The bill changes the specified class of certain misdemeanor violations to only be a misdemeanor violation and establishes fines and penalties for a violation of the provisions regarding:

- (1) Driver's licenses;
- (2) Motorcycle helmets;
- (3) Driving while revoked;
- (4) Financial responsibility; and
- (5) Purchase, possession, or consumption of alcohol by a minor.

**FULL ORDERS OF PROTECTION** (Section 455.007) The bill specifies that, notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine will apply to an appeal of a full order of protection which has expired and which subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

**SEXUAL CONTACT WITH A STUDENT** (Section 566.086) Currently, a person who works for or volunteers at a school commits the crime of sexual contact with a student while on public school property, a class D felony, if he or she has sexual contact with a student while on any public school property. This bill removes the requirement that the crime be committed while on public school property and adds an elected official of the school district to the list of individuals to whom the provision applies.

**SEXUAL OFFENDERS (Sections 566.147 and 589.040)** Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. The bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

**CRIMINAL NON SUPPORT (Section 568.040)** A person commits criminal nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as legally obligated. Currently, this is criminal if the person did so without good cause.

**RECEIVING STOLEN PROPERTY (Section 570.080)** The bill revises the punishment for the crime of receiving stolen property, a class A misdemeanor. If the value of the property or services stolen is \$500 or more but less than \$25,000 or a person physically takes the property from the victim or the property consists of certain specified items, the person will be guilty of a class C felony. The receipt of any item of property or services that exceeds \$500 may be considered a separate felony and may be charged in separate counts. Any person with a prior conviction for receiving stolen livestock or captive wildlife who violates those same provisions a subsequent time when the value of the animal stolen exceeds \$3,000 will be guilty of a class B felony and will be required to serve at least 80% of any sentence imposed before he or she is eligible for probation, parole, conditional release, or other early release by the Department of Corrections. Anyone committing an offense in which the value of the property or services is an element will be guilty of a class B felony if the value equals or exceeds \$25,000.

**STEALING LEASED OR RENTED PROPERTY OFFENSES (Section 578.150)** The bill changes the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

The following actions are added to the list of offenses that constitute the crime if the person commits the offense with the intent to deprive the owner of the property: aiding or abetting the concealment of leased or rented property; selling, encumbering, conveying, pawning, loaning, abandoning, or giving away the leased or rented property without the written consent of the lessor or informing the person who receives the property that it is subject to a lease; and failing to pay lease charges after returning the property with the intent to deprive the lessor of the agreed upon charges.

Currently, it is evidence of the crime when a person who has leased or rented property, other than a motor vehicle, fails to return the property 10 days after the owner has sent written demand by certified or registered mail to the address provided in the lease agreement. The demand must include a statement that the failure to return the property may subject the person to criminal prosecution. The bill specifies that evidence of intent to commit the crime is established if the lessee uses a false; fictitious; or not current name, address, or place of employment in obtaining the property or if the lessee fails to return the property or pay the lease charges within seven days after written demand is sent by certified mail, return receipt requested, to the address provided in the lease agreement or the person's last known address.

Currently, failure to return leased or rented property is a class A misdemeanor unless the property is valued at \$500 or more, in which case it will be a class C felony. The bill increases the maximum property value so that the crime becomes a class C felony if the property is valued at \$1,000 or more.

*June 16 – Signed Into Law*

**HB 199 -- COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES**

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. This bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

*July 12 – Signed Into Law*

**SCS HCS HB 214 -- HUMAN TRAFFICKING**

This bill changes the laws regarding human trafficking. In its main provisions, the bill:

(1) Expands the crime of abusing an individual through forced labor to include by causing or threatening to cause serious physical injury to any person, by physically restraining or threatening to physically restrain another person, by blackmail, or by causing a person to believe that he or she will suffer serious physical injury or financial harm. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable for a term of not less than five years or life and a fine of up to \$250,000 (Section 566.203, RSMo);

(2) Revises the crime of trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm another person for labor or services for the purposes of slavery, involuntary servitude, peonage, or forced labor or benefits, financially or by receiving anything of value, from participation in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable by imprisonment for a term of not less than five years or life and a fine of up to \$250,000 (Section 566.206);

(3) Revises the crime of trafficking for the purpose of sexual exploitation by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm another person for the use or employment of the person in sexual conduct, a sexual performance, or the production of specified explicit sexual material or benefits, financially or by receiving anything of value, from participating in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If a violation of this crime was effected by force, abduction, or coercion, the punishment will be imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 (Section 566.209);

(4) Expands the crime of sexual trafficking of a child to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 18 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 18 years of age or older. The crime will be punishable by imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 if the child is younger than 18 years of age. If a violation of this crime was effected by force, abduction, or

coercion, the crime will be a felony for which the authorized term of imprisonment is life without eligibility for probation or parole until the defendant serves at least 25 years of his or her sentence (Section 566.212);

(5) Expands the crime of sexual trafficking of a child younger than 12 years of age to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 12 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 12 years of age or older (Section 566.213);

(6) Specifies that a court must order a defendant convicted of trafficking or contributing to human trafficking to pay restitution to the victim regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution must be an amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim (Section 566.218);

(7) Specifies that it will be an affirmative defense for the offense of prostitution that the defendant engaged in the conduct charged because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person in which a person of reasonable firmness in his or her situation would have been unable to resist (Section 566.223.2);

(8) Authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking and to develop training programs and standard protocols for appropriate agencies to educate officials and employees on state and federal laws regulating human trafficking. Upon a first encounter with a person who reasonably appears to be a victim of trafficking, a law enforcement agency must notify the Department of Social Services and, where applicable, juvenile justice authorities in order for the agencies to determine whether the victim may be eligible for state or federal services, programs, or assistance (Sections 566.223.3 and 566.223.4);

(9) Allows the Department of Social Services to coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking and allows state agencies to implement programs and enter into contracts with nonprofit agencies and nongovernment organizations to provide services to confirmed victims of trafficking if funds are available (Section 566.223.5);

(10) Allows a victim of trafficking to bring a civil action within 10 years after the later of the final order in the criminal case, the victim's emancipation from the defendant, or the victim's eighteenth birthday against any person who pled guilty to or was found guilty of trafficking to recover the actual damages sustained, court costs, attorney fees, and punitive damages when determined appropriate by the court (Section 566.223.6); and

(11) Allows the Attorney General to file a civil action to recover from any person or entity that benefits from trafficking a civil penalty of up to \$50,000 for each violation and injunctive and other equitable relief as may be ordered by the court. Any money or property collected by a civil action must first be used to pay restitution to the victim (Section 566.223.7).

#### *July 14 – Signed Into Law*

**CCS#2/HCS/SB 250** - Under current law, sexual assault offenders imprisoned by the department of corrections must complete all treatment, education, and rehabilitation programs provided by the department of corrections. This act requires the offender to complete such programs before being eligible for probation or conditional release.

Current law prohibits certain sex offenders from living within 1,000 feet of public and private schools, and child-care facilities as that term is defined under section 210.201. This act expands the list of places certain sex offenders may not live within 1,000 feet of to include any child-care facility that is licensed under chapter 210 and any license-exempt child-care facility that is subject to state regulations regarding fire, safety, health, and sanitation inspections.

*June 16 – Signed Into Law*

**HB 199 -- COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES**

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. This bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

*VETOED - July 12*

**CCS SS SCS HCS HB 430** Changes multiple laws regarding transportation. (including HB 199) Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. This bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole. and,

*July 14 – Signed Into Law*

**SCS HCS HB 641 -- CONTROLLED SUBSTANCES** This bill changes the laws regarding the designation of controlled substances. In its main provisions, the bill:

- (1) Adds the following to the list of controlled substances in Schedule I:
  - (a) Synthetic cannabinoids which include any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoids receptor agonist including, but not limited to, the synthetic cannabinoids specifically listed in Section 195.017, RSMo, and any analogues, homologues, isomers, esters, ethers, and salts. These include the compounds commonly found in K3. However, synthetic cannabinoids will not include any approved pharmaceutical authorized by the United States Food and Drug Administration;
  - (b) 3-Fluoromethcathinone;
  - (c) 4-Fluoromethcathinone;
  - (d) Mephedrone, or 4-methylmethcathinone;
  - (e) 4-methoxymethcathinone;
  - (f) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone, commonly known as bath salts;
  - (g) Methylone, or 3,4-Methylenedioxy-methylcathinone; and
  - (h) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP (Sections 195.010 and 195.017);
- (2) Specifies that any analogue or homologue of a Schedule I controlled substance must be treated as a controlled substance in Schedule I for the purposes of any state law (Section 195.022);
- (3) Specifies that any person who possesses any controlled substance except 35 grams or less of marijuana or any synthetic cannabinoid will be guilty of a class C felony. Any person who possesses not more than 35 grams of marijuana or any synthetic cannabinoid will be guilty of a class A misdemeanor. Currently, these provisions apply to a person possessing marijuana or certain specified substances (Section 195.202); and
- (4) Adds cocaine base to the list of controlled substances for which a person commits the offense of distribution of a controlled substance near a park, a class A felony (Section 195.217).

*HB 641 bans synthetic drugs, including the so-called body product and K3. The state banned the K2 variety of synthetic marijuana last year. But narrow wording of the ban allowed fake-drug designers to create new versions. This adds broader language to the ban. Bath salts cause users to feel like they're on coke and meth.*

*July 8 – Signed Into Law*

**SS#2 SCS HCS HB 111** -- JUDICIAL PROCEDURES This bill changes the laws regarding judicial procedures.

**SEXUAL CONTACT WITH A STUDENT** (Section 566.086) Currently, a person who works for or volunteers at a school commits the crime of sexual contact with a student while on public school property, a class D felony, if he or she has sexual contact with a student while on any public school property. This bill removes the requirement that the crime be committed while on public school property and adds an elected official of the school district to the list of individuals to whom the provision applies.

**SEXUAL OFFENDERS** (Sections 566.147 and 589.040) Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. The bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but has state fire, safety, health, and sanitation inspections and promotes itself as a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

*July 14 – Signed Into Law (SB 1, during the fall special session, corrected the “facebook” provision.)*

**SCS/SB 54** – This act creates the "Amy Hestir Student Protection Act." (Section 160.085)

**SECTION 37.710** - This act grants the Office of the Child Advocate the authority to file any findings or reports of the Child Advocate regarding the parent or child with the court and to issue recommendations regarding the disposition of an investigation, which may be provided to the court and the investigating agency. The Office may also mediate between alleged victims of sexual misconduct and school districts.

**SECTION 160.261** - If a student reports alleged sexual misconduct by a teacher or other school employee to a school employee who is required to report to the Children's Division, the employee and the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. Any reports made to the Children's Division must be investigated by the Division in accordance with Division procedures. The school district must not conduct an investigation for purposes of determining whether the allegations should be substantiated. A district may investigate the allegations for purposes of making a decision regarding the accused employee's employment. This act also requires the investigating officers to review the report using a preponderance of evidence standard.

**SECTION 160.262** - This act authorizes the Office of the Child Advocate to offer mediation services when requested by both parties when child abuse allegations arise in a school setting. The mediator must not be a mandated reporter of child abuse. No student, parent of a student, school employee, or school district will be required to enter into mediation. If either party does not wish to enter into mediation, mediation will not occur. Procedures for mediation are described in the act.

**SECTIONS 160.2100 & 160.2110:** This act creates the Task Force on the Prevention of Sexual Abuse of Children. This act shall be known and may be cited as "Erin's Law."

Task Force members must be individuals who are actively involved in the prevention of child abuse and neglect and child welfare. The President Pro Tem of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the Senate may each appoint one member of the General Assembly to the task force. The following additional members will be on the task force: the director of the Department of Social Services, or his or her designee; the Commissioner of Education, or his or her designee; the director of the Department of Health and Senior Services, or his or her designee; the director of the Office of Prosecution Services, or his or her designee; a representative representing law enforcement, appointed by the

Governor; three active teachers employed in Missouri, appointed by the Governor; a representative of an organization involved in forensic investigation relating to child abuse, appointed by the Governor; a school superintendent, appointed by the Governor; a representative of the State Domestic Violence Coalition, appointed by the Governor; a representative from the juvenile and family court, appointed by the Governor; a representative from the Missouri Network of Child Advocacy Centers, appointed by the Governor; and an at-large member appointed by the Governor.

The Task Force must make recommendations for reducing child sexual abuse. The Task Force must submit a final report with its recommendations to the Governor, General Assembly, and State Board of Education by January 1, 2013. The Task Force will end on January 1, 2013.

The Task Force may also adopt a policy addressing sexual abuse of children, including a curriculum.

SECTION 162.014 - A registered sex offender, or a person required to be registered, is prohibited from being a candidate for school board. A sitting school board member who is a registered sex offender or is required to be registered will not be eligible to serve as a board member at the conclusion of his or her term.

SECTION 162.068 - By July 1, 2012, every school district must adopt a written policy on information that the district may provide about former employees to other public schools.

Grants civil immunity to school district employees who are permitted to respond to requests for information regarding former employees under a school district policy and who communicates only the information that the policy directs and who acts in good faith and without malice. If an action is brought against the employee, he or she may request that the Attorney General defend him or her in the suit, except as described in the act.

If a school district had an employee whose job involved contact with children and the district received allegations of the employee's sexual misconduct and as a result of such allegations or as a result of such allegations being substantiated by the Child Abuse and Neglect Review Board the district dismisses the employee or allows the employee to resign and the district fails to disclose the allegations in a reference to another school district or when responding to a potential employer's request for information regarding such employee, the district will be liable for damages and have third-party liability for any legal liability, legal fees, costs, and expenses incurred by the employing district caused by the failure to disclose such information to the employing district.

When a school district employs a person who has been investigated by the Children's Division and for whom there has been a finding of substantiated from such investigation, the district must immediately suspend the person's employment. The district may return the person to his or her employment if the Child Abuse and Neglect Review Board's finding that the allegation is substantiated is reversed by a court on appeal. Nothing shall preclude a school district from otherwise lawfully terminating the employment of an employee about whom there has been a finding of unsubstantiated from such an investigation.

A school district that has employed a person for whom there was a finding of substantiated from a Children's Division investigation must disclose the finding to any other public school that contacts it for a reference.

A school district is prohibited from discharging or discriminating against an employee who, acting in good faith, reports alleged sexual misconduct.

SECTION 162.069 - By January 1, 2012, every school district must develop a written policy concerning teacher-student communication and employee-student communications. Each policy must include appropriate oral and nonverbal personal communication, which may be combined with sexual harassment policies, and appropriate use of electronic media as described in the act, including social networking sites. Teachers cannot establish, maintain, or use a work-related website unless it is available to school administrators and the child's legal custodian, physical custodian, or legal guardian. Teachers also cannot have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2012, each school district must include in its teacher and employee training a component that provides information on identifying signs of sexual abuse in children and of potentially abusive relationships

between children and adults, with an emphasis on mandatory reporting. Training must also include an emphasis on the obligation of mandated reporters to report suspected abuse by other mandatory reporters.

SECTION 168.021 - In order to obtain a teaching certificate, an applicant must complete a background check as provided in section 168.133.

SECTION 168.071 - Sexual contact with a student while on public school property as well as second and third degree sexual misconduct are added to the offenses for which a teacher's license or certificate may be revoked.

SECTION 168.133 - School districts are responsible for conducting the criminal background check on bus drivers they employ. For drivers employed by a pupil transportation company under contract with the district, the criminal background check must be conducted through the Highway Patrol's criminal record review and must conform to the requirements of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.

This act changes, from two to one, the number of sets of fingerprints an applicant must submit for a criminal history background check. The Department of Elementary and Secondary Education must facilitate an annual check for employees with active teaching certificates against criminal history records in the central repository, sexual offender registry, and child abuse central registry. The Missouri Highway Patrol must provide ongoing electronic updates to criminal history background checks for those persons previously submitted by the Department of Elementary and Secondary Education.

A school district may conduct a new criminal background check and fingerprint collection for a newly hired employee at its own expense.

SECTION 210.135 - Third-party reporters of child abuse who report an alleged incident to any employee of a school district are immune from civil and criminal liability under certain circumstances.

SECTION 210.145 - The Children's Division must provide information about the Office of the Child Advocate and services it may provide to any individual who is not satisfied with the results of an investigation.

SECTION 210.152 - The Children's Division may reopen a case for review at the request of the alleged perpetrator, alleged victim, or the Office of the Child Advocate if new, specific, and credible evidence is obtained that the Division's decision was based on fraud or misrepresentation of material facts relevant to the Division's decision. Procedures for reopening an investigation are described in the act. Any person who makes a request to reopen based on facts the person knows to be false will be guilty of a class A misdemeanor. The Division cannot reopen an investigation while the case is pending before a court or when a court has entered a final judgment after de novo judicial review.

SECTION 556.037 - This act modifies the current statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger so that such a prosecution must be commenced within thirty years after the victim reaches the age of eighteen.

#### *June 9 – Signed Into Law*

**CCS HCS#2 SCS SB 117** Beginning January 1, 2012, the Department of Elementary and Secondary Education must provide the Director of Revenue, at least annually, the name and Social Security number of each certificate holder or applicant for a certificate of license to teach in Missouri. The Director of the Department of Revenue must at least annually a year verify that all income taxes have been paid and state income tax returns have been filed in the past three years and send a notice to the Department of Elementary and Secondary Education and the certificate holder or applicant if a person has not paid his or her taxes or filed the tax returns. A certificate holder's license will be suspended within 90 days after the notice, and an applicant's license cannot be issued unless: the taxes are paid; an arrangement has been made with the Department of Revenue to pay the taxes; the taxes were paid under protest; or the tax liability is found to be reasonably disputed.

*July 8 – Signed Into Law*

### **HB 217 -- ELECTRONIC VOTER IDENTIFICATION**

Allows an election authority to use an electronic voter identification system or an electronic signature pad to verify a voter's address, registration status, and signature information at a polling place. The system must be able to read identifying information from an individual's driver's or nondriver's license and allow the election authority to manually enter information into the system from a valid form of personal ID containing the voter's signature.

*VEETOED - June 17*

**HCS#2 SB 3** - This act establishes requirements for advance voting and voter photo identification for elections.

Advance voting is established in presidential, senatorial, and statewide elections. The period shall begin on the third Saturday immediately preceding an election and end on the Tuesday immediately preceding the election. Election authorities shall establish one advance voting center in each county in the state, or at least one center for every 100,000 residents reasonably distributed throughout such county. The Secretary of State and each election authority shall provide public notice of the advance voting centers and periods.

The act establishes identification requirements for voting. Voters shall produce a nonexpired Missouri driver's license; a nonexpired or nonexpiring Missouri nondriver's license; any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

Those appearing without identification and unable to obtain one because of a physical or mental disability, an inability to pay for a document necessary to obtain the required identification, a religious belief against forms of identification or the voter was born before January 1, 1941 shall be allowed to vote a provisional ballot, provided election authorities can verify the identity of the individual by comparing the individual's signature to one on file.

All voters whose identity cannot be established are allowed to cast a provisional ballot which shall not be counted unless the voter returns and provides proper identification. All costs incurred by the election authority associated with implementing the new identification requirements shall be reimbursed from the general revenue upon appropriation. The Secretary of State shall provide advance notice of the identification requirements. The state, including any license fee office, shall provide at least one form of identification required to vote at no cost to the voter. The state shall provide at least one form of document required to obtain the required identification at no cost to those who do not possess one.

*VEETOED - July 8*

**CCS/HCS/SB 282** - Currently, the Governor has statutory authority to fill vacancies until successors are elected for the office of United States Senator; various state and county offices filled by election; circuit attorney, prosecuting attorney, and assistant prosecuting attorney offices; and all statewide offices excluding Lieutenant Governor. This act requires the Governor to fill all vacated statewide offices and the office of United States Senator by special election for the remainder of each respective term.

**ELECTION AND PRIMARY DATES** The date of the presidential primary is moved from the first Tuesday after the first Monday in February to the first Tuesday after the first Monday in March.

**HCS#2/SJR 2** - Allows enabling legislation for photographic identification for voting. Upon voter approval, this constitutional amendment provides that a voter seeking to vote in person may be required by general law to identify himself or herself as a United States Citizen and a resident of the state by producing valid, government-issued photo identification. Exceptions may be provided for by general law.

## **FAMILY**

*July 8 – Signed Into Law*

**SS#2 SCS HCS HB 111 -- CHILD SUPPORT AWARDS** The Missouri Supreme Court is required to amend the child support guidelines to address where there is an award of equal or substantially equal joint physical custody.

The court may award child support in an amount that provides up to a 50% adjustment below the basic child support amount for custody awards of joint physical custody where the child or children spend equal or substantially equal time with both parents.

**FULL ORDERS OF PROTECTION** The bill specifies that, notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine will apply to an appeal of a full order of protection which has expired and which subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

**GUARDIANSHIP OF AN INCAPACITATED PERSON** The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

**UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT** Allows Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

- (1) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
- (2) Allows a court to request an out-of-state court to:
  - (a) Hold an evidentiary hearing;
  - (b) Order an individual to produce evidence or give testimony;
  - (c) Order that an evaluation or assessment be made of a respondent;
  - (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
  - (e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;
  - (f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
  - (g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;
- (3) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable;
- (4) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;
- (5) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;
- (6) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;
- (7) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;
- (8) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(9) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(10) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(11) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(12) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

**BASIC CIVIL LEGAL SERVICES FUND** The bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

**STANDARDS FOR REPRESENTATION OF CHILDREN BY GUARDIANS AD LITEM** The bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated.

**CONDEMNATION PROCEEDINGS** The bill requires that in St. Louis City and the counties of St. Louis and Jackson at least one of the three commissioners appointed by the court in condemnation proceedings must be either a licensed real estate broker, or a licensed or certified real estate appraiser.

**CRIMINAL NON SUPPORT** A person commits criminal nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as legally obligated. Currently, this is criminal if the person did so without good cause.

*July 12 – Signed Into Law*

#### **SS SCS HCS HB 604 -- PARENTAL RIGHTS**

**PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES** The bill specifies that the disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; that a child is in need of care or it is necessary to remove a child from a parent's custody; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

**FOSTER CARE PLACEMENT** The bill establishes the following order or preference for the placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care. Also in **SS SCS HCS HB 431**

**SIBLING PLACEMENT** The division is required to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being. Also in **SS SCS HCS HB 431**

*July 12 – Signed Into Law*

**SS#2 SCS HCS HB 89** -- STATE DEPARTMENT TRANSPARENCY The bill specifies that it must be the policy of each state department to carry out its duties with full transparency to the public and any data collected must be available to the public in a timely fashion and reports and other information must be easily accessible to the public. Each department must broadly interpret any request for information under the Open Meetings and Records Law, commonly known as the Sunshine Law, and must respond accordingly regardless of the format in which the request is made. Any failure to release the information will be considered a policy violation and constitute a breach of the public's trust.

**ADMINISTRATIVE HEARING COMMISSION** Currently, any party who is affected by a finding, order, decision, or assessment made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission. The bill specifies that the party must be aggrieved or adversely affected by the finding, order, decision, or assessment in order to file an appeal.

Currently, the commission has discretion as to whether or not to hold a hearing on an appeal request. The bill requires the commission to hold a hearing and make a recommended decision within 60 days of the date of the request or make a recommended decision within the 60-day period based on the stipulation of the parties, consent order, or agreed settlement or by the disposition in the nature of default judgment, judgment on the pleadings, or summary determination. The commission must issue its final decision on an appeal of a decision by the Director of the Department of Natural Resources within 90 days of the date the notice of appeal is filed.

The bill prohibits a cause of action or appeal arising out of a finding, order, decision, or assessment of a regulatory environmental commission from accruing in any court unless the party has already filed a notice of appeal and received a final decision in accordance with these provisions.

**ENVIRONMENTAL PERMITS** In any case in which the Department of Natural Resources has not issued a permit or made a permit decision by the expiration of the statutorily required time frame, the permit must be issued as of the first day following the expiration if all the necessary information has been submitted for the application and the department has had the information for the duration of the required time frame.

**CONSOLIDATION OF SERVICES REPORT** Governor must convene committee consisting of representatives from the departments of Agriculture, Conservation, Economic Development, Health and Senior Services, and Natural Resources to evaluate ways to consolidate services with the goal of improving efficiency and reducing costs while optimizing the benefits to Missourians.

**AFFORDABILITY DETERMINATIONS** The Department of Natural Resources must make a determination regarding the affordability to communities and their residents of permit requirements and other department decisions related to combined or separate sanitary sewer systems or publicly-owned treatment works. The affordability determination must be made prior to issuing a permit or rendering a decision. If the department fails to make a determination, the proposed permit or decision will be void and unenforceable. The bill specifies the criteria that the department must follow when making a determination.

*July 8 – Signed Into Law***SS#2 SCS HCS HB 111** -- TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT

This bill establishes the Transparency in Private Attorney Contracts Act. Prohibits the state from contracting with a private attorney for a contingency fee unless the Attorney General makes a determination prior to the contract that the contingency fee representation is both cost effective and in the public interest; Requires a copy of any contingency fee contract, the Attorney General's written determination, and payments of contingency fees to be posted on the Attorney General's web site.

*July 8 – Signed Into Law* **SCS HB 307 & 812** – Authorizes "DON'T TREAD ON ME" license plates.

## **RELIGIOUS LIBERTY**

*June 22 – Signed Into Law*

### **HCS HB 250 -- WATER WELL REGULATIONS**

This bill specifies that any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to multifamily wells and those requiring proof of water quantity drawn unless it is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 people or more for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system's owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of viruses.

No facility can be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to be a threat to groundwater or public health or contains certain contaminant levels.

*July 1 – Signed Into Law*

### **SS SCS HCS HB 470 & 429 -- NONRESIDENT ENTERTAINER AND PROFESSIONAL ATHLETIC TEAM INCOME TAX**

This bill exempts churches, veterans groups and other not-for-profit entities that receive no benefit from a nonresident entertainer's appearance other than the entertainer's performance from the withholding requirement of the nonresident entertainer and professional athletic team income tax.

### **HJR 2 -- RELIGIOUS FREEDOM IN PUBLIC PLACES**

Upon voter approval, this proposed constitutional amendment guarantees a citizen's right to pray and worship in all private and public areas including schools as long as the activities are voluntary and subject to the same rules and regulations that apply to all other types of speech.

A citizen's right to choose any religion or no religion at all is reaffirmed by prohibiting the state or any of its political subdivisions from establishing an official state religion and from coercing any person to participate in any prayer or other religious activity.

The resolution also reaffirms the right of employees and elected officials of the State of Missouri to pray on government premises and public property and ensures the General Assembly and the governing bodies of political subdivisions the right to have ministers, clergy persons, and other individuals offer prayers or invocations at meetings or sessions of the General Assembly or governing bodies.

Students are allowed to express their religious beliefs in assignments free from discrimination and cannot be compelled to participate in assignments or presentations that violate their beliefs. Public schools receiving state funds are required to display the text of the Bill of Rights of the Constitution of the United States in a conspicuous and legible manner.

The resolution does not expand the religious rights of prisoners beyond those guaranteed by federal laws.

Here is the Prayer Amendment (HJR 2) full text as well as the ballot question voters will see on election day:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Section 5, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 5, to read as follows:

Section 5. That all men **and women** have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his **or her** religious persuasion or belief, be rendered ineligible to any public office or trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his **or her** person or estate; **that to secure a citizen's right to acknowledge Almighty God according to the dictates of his or her own conscience, neither the state nor any of its political subdivisions shall establish any official religion, nor shall a citizen's right to pray or express his or her religious beliefs be infringed; that the state shall not coerce any person to participate in any prayer or other religious activity, but shall ensure that any person shall have the right to pray individually or corporately in a private or public setting so long as such prayer does not result in disturbance of the peace or disruption of a public meeting or assembly; that citizens as well as elected officials and employees of the state of Missouri and its political subdivisions shall have the right to pray on government premises and public property so long as such prayers abide within the same parameters placed upon any other free speech under similar circumstances; that the General Assembly and the governing bodies of political subdivisions may extend to ministers, clergypersons, and other individuals the privilege to offer invocations or other prayers at meetings or sessions of the General Assembly or governing bodies; that students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their work; that no student shall be compelled to perform or participate in academic assignments or educational presentations that violate his or her religious beliefs; that the state shall ensure public school students their right to free exercise of religious expression without interference, as long as such prayer or other expression is private and voluntary, whether individually or corporately, and in a manner that is not disruptive and as long as such prayers or expressions abide within the same parameters placed upon any other free speech under similar circumstances; and, to emphasize the right to free exercise of religious expression, that all free public schools receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States; but this section shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States, excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.**

Section B. Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

**"Shall the Missouri Constitution be amended to ensure:**

- That the right of Missouri citizens to express their religious beliefs shall not be infringed;**
- That school children have the right to pray and acknowledge God voluntarily in their schools;**
- That all public schools shall display the Bill of Rights of the United States Constitution."**

## **SECOND AMENDMENT**

*July 8 – Signed Into Law*

### **SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 -- FIREARMS**

This bill changes the laws regarding firearms, ammunition, and concealed carry endorsements. In its main provisions, the bill:

- (1) Specifies that the county sheriff's revolving fund may be used to pay for information and data exchange (Section 50.535, RSMo);
  - (2) Prohibits the sales tax on any firearms or ammunition from being levied at a higher rate than for any sales tax or other excise tax charged on any sporting goods or equipment or any hunting equipment (Section 144.064);
  - (3) Specifies that a nondriver's license containing a concealed carry endorsement will expire three years from the date the certificate of qualification was issued. The fee for nondriver's licenses issued for a period exceeding three years will be \$6 or \$3 for licenses issued for a period of three years or less (Sections 302.181 and 571.101);
  - (4) Allows a person to possess, manufacture, transport, repair, or sell a machine gun, short barreled rifle or shotgun, or firearm silencer if he or she conforms with federal law. A person will not commit a crime if he or she possesses, manufactures, transports, repairs, or sells an explosive weapon; explosive, incendiary, or poisonous substance or material; a gas gun; a switchblade knife; certain explosive bullets; or knuckles if he or she conforms with federal law. A person who possesses, manufactures, transports, repairs, or sells an explosive weapon; explosive, incendiary, or poisonous substance or material; a gas gun; or a machine gun, short barreled rifle or shotgun, or firearm silencer in violation of federal law will be guilty of a class C felony. A person who possesses, manufactures, transports, repairs, or sells a switchblade knife, certain explosive bullets, or knuckles will be guilty of a class A misdemeanor (Section 571.020);
  - (5) Removes a requirement that some specified uses of a firearm will not be a crime when the use was reasonably associated with or necessary to the fulfillment of a person's official duties; exempts any federal probation officer or federal flight deck officer, whether they are on duty and whether they are within their agency's jurisdiction; and any member of a fire department who is employed on a full-time basis as a fire investigator, when such uses are reasonably associated with or necessary to the fulfillment of their official duties, and who has a valid concealed carry endorsement, from the crime of unlawful use of weapons.
- No person who pleads guilty to or is found guilty of a felony violation of the unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense. The bill adds to the exceptions for the crime of unlawful use of weapons a club-sponsored firearm-related event in which a student can participate (Section 571.030);
- (6) Creates the crime of fraudulent purchase of a firearm, a class D felony, if a person knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate federal or state laws; provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or willfully procures another to violate these provisions. These provisions do not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (Section 571.063);

(7) Repeals non-penalty merchandising practices provisions, in Sections 407.500 and 407.505, which restrict the sale of rifles and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations. Currently, handguns are not subject to this merchandising practice regulation because all permit requirements for purchasing a handgun have been repealed. The bill applies this practice to all types of firearms by allowing a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws and the laws of the state in which he or she resides (Sections 571.085 and 571.087);

(8) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101 and 571.117);

(9) Specifies that current provisions do not preclude a member of the General Assembly, a full-time or legislative employee of the General Assembly, or statewide elected officials and their employees who hold a valid concealed carry endorsement from carrying a concealed firearm in the State Capitol Building (Section 571.107);

(10) Specifies that a certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor if the applicant completes at least eight hours of instruction that includes a live firing exercise of sufficient duration for the applicant to fire both a revolver and a semiautomatic pistol and specifies that any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification will be guilty of a class C misdemeanor (Section 571.111); and

(11) Specifies that a municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when, in the opinion of the governing body, it is so heavily populated that the conduct is dangerous to its inhabitants. The municipality may require any minor younger than 12 years of age when using pneumatic gun on public property to be supervised. Any minor 12 years of age or older may, with parental or guardian consent, use a pneumatic gun at any place designated for its use or on private property with the owner's consent. However, the minor must obey all laws, regulations, and restrictions regardless of whether a parent or guardian has permitted the use. No ordinance can prohibit the use of pneumatic guns at facilities approved for shooting ranges (Section 1).

The provisions regarding the issuance of nondriver's licenses containing conceal carry endorsements will become effective when the Director of the Department of Revenue begins to issue nondriver's licenses with the conceal carry endorsement that expire three years from the date the certificate of qualification was issued, or January 1, 2013, whichever occurs first.

*VETOED - July 8*

**CCS SS SCS HCS HB 430**

Allows special license plate for members of the National Wild Turkey Federation and National Rifle Association.

## **TAX POLICY**

*July 8 – Signed Into Law*

### **SS#2 SCS HCS HB 111 -- JUDICIAL PROCEDURES**

This bill changes the laws regarding judicial procedures.

### **HOSPITAL DISTRICT SALES TAX (Sections 144.032 and 205.205)**

The governing body of any hospital district in Iron County is authorized to impose, upon voter approval, a local sales tax of up to 1% in lieu of a property tax to fund the hospital district. The Department of Revenue will deposit the sales tax in the newly created Hospital District Sales Tax Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collecting the sales tax. (See SB 117)

*April 26 – Signed Into Law*

**\*SCS/SB 19** - This act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence. Beginning January 1, 2012, the corporate franchise tax rate will be gradually reduced over a five year period until it is completely phased-out. Effective January 1, 2016, no corporate franchise tax will be imposed.

*July 13 – Signed Into Law*

**SS/SB 55** - This act classifies sawmills and planing mills, as defined in the United States Department of Labor's Standard Industrial Classification Manual, as agricultural and horticultural property instead of commercial property for property taxation purposes.

*June 9 – Signed Into Law*

**CCS HCS#2 SCS SB 117** Allows the imposition of a hospital district sales tax in lieu of a property tax to fund certain hospital districts

This act authorizes hospital districts located within Iron County to abolish their existing property tax levies and, upon voter approval, impose a sales tax of up to one percent to fund the district. The hospital district sales tax will be imposed upon all retail sales made within the district and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use. (HB111)

*July 11 – Signed Into Law*

**CCS/HCS/SB 284** - This act modifies the exemption from state and local sales tax for certain medical supplies, to include rentals of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories, ambulatory aids, wheelchairs, scooters, reading machines, electronic print enlargers, electronic communication devices, and items used to modify motor vehicles for individuals with disabilities. The act also creates a sales tax exemption for drugs that are required to meet the Food and Drug Administration's over-the-counter drug labeling requirements.

## **VETERANS**

*July 14 – Signed Into Law*

### **HCS HB 136 -- UNEMPLOYMENT BENEFITS AND COURTESY PROFESSIONAL LICENSES FOR MILITARY SPOUSES**

This bill changes the laws regarding unemployment benefits for military spouses and courtesy professional licenses for nonresident military spouses.

#### **UNEMPLOYMENT BENEFITS FOR MILITARY SPOUSES**

The bill specifies that a claimant seeking unemployment compensation is not disqualified for waiting week credit or benefits, regardless if the claimant has earned wages for insured work equal to 10 times the claimant's weekly benefit amount, if the claimant quit work in order to relocate with his or her spouse who is on active duty in the United States armed forces, the national guard, or other reserve. If a claimant is not disqualified as a result of this provision, no benefits based on wages paid for work prior to the quitting date can be chargeable to the claimant's former employer.

#### **COURTESY PROFESSIONAL LICENSES FOR NONRESIDENT MILITARY SPOUSES**

Any state agency or board that regulates an occupation or profession must establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is stationed in Missouri allowing him or her to lawfully practice his or her occupation or profession in this state. The bill:

- (1) Requires an applicant for a courtesy license to hold a current license or certificate from another state, district, or United States territory whose licensing requirements are equivalent to those established by Missouri law for that occupation or profession;
- (2) Requires an applicant to have been engaged in the active practice of the occupation or profession for at least two of the five years immediately preceding the date of his or her application;
- (3) Specifies that an applicant cannot have committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate under Missouri law at the time the act was committed;
- (4) Specifies that an applicant cannot have been disciplined by a licensing or credentialing entity in another jurisdiction or be the subject of an unresolved complaint, review, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;
- (5) Authorizes the appropriate board or agency to conduct and pay for a criminal background check;
- (6) Requires an applicant to pay any required fees and comply with other requirements as provided by the appropriate board; and
- (7) Specifies that a temporary courtesy license or certificate will be valid for 180 days and may be extended at the discretion of the applicable regulatory board or agency for another 180 days upon application of the holder.

These provisions will not apply to the practice of law or the regulation of attorneys.

*July 14 – Signed Into Law*

### **SCS HB 149 -- MISSOURI MILITARY FAMILY RELIEF FUND**

Currently, the provisions that allow an individual or corporation to designate part of a tax refund to the Missouri Military Family Relief Fund expire August 28, 2011, and terminate December 31, 2012. This bill removes the expiration and termination dates of those provisions.

*June 16 – Signed Into Law*

**HB 204** -- DRIVER'S LICENSE RENEWAL FOR MILITARY PERSONNEL

Currently, a resident who is a member of the national guard or the armed forces of the United States who is serving on active duty and fails to renew his or her driver's license is not required to take a complete examination if he or she renews within 60 days after completing the military service. This bill specifies that the member will be given 90 days after completing the military service and re-establishing residence within the state to renew his or her license without being required to take the complete examination.

Any person discharged from the armed forces of the United States will have six months from the date of discharge or within 90 days after re-establishment of residence within the state, whichever is sooner, to renew an expired driver's license without examination. A Missouri resident on active military duty or any dependent, 21 years of age or older, residing outside Missouri or the United States may renew his or her driver's license by mail.

*June 16 – Signed Into Law*

**HB 229** -- PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY

(4) Specifies that if a member leaves employment to perform qualified military service and dies while in that service, his or her survivors will be entitled to any additional benefits that would have been provided had the member resumed employment with the employer and then terminated on account of death. In this case, the member's period of qualified military service will be counted as creditable service for the purpose of vesting but not for the purpose of determining the amount of the member's retirement allowance (Section 169.301.5);

*July 8 – Signed Into Law*

**SCS HB 307 & 812** -- SPECIAL LICENSE PLATES

(1) A "COMBAT ACTION" plate with an image of the combat action badge to any person who has been awarded the combat action badge. To obtain the plate, a person must make application, furnish proof as a recipient of the badge, and pay a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate;

*May 2 – Signed Into Law*

**HB 358** -- POLICE RETIREMENT SYSTEM OF ST. LOUIS

This bill changes the laws regarding the Police Retirement System of St. Louis by applying federal tax law requirements to the provisions related to annuity distributions, rollovers to individual retirement accounts, rollovers from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

The bill also specifies that if a member of the retirement system dies on or after January 1, 2007, while performing qualified military service, the member's surviving spouse or other dependents will be entitled to the benefits that would have been provided if the member had returned to active service as a police officer and died while in active service.