

# NEW MISSOURI LAW: 2010

## OMNIBUS JUDICIARY BILL

---

**STATUTE**  
**193.145**  
**RSMo.**

### **NEW LAW REQUIRES PROFESSIONALS TO USE AN ELECTRONIC DEATH REGISTRATION SYSTEM FOR FELONY-RELATED DEATHS** **193.145 RSMo.**

This new section of Missouri law, 193.145 RSMo., requires for all felony-related deaths that the State Registrar, local registrars, medical examiners, coroners, funeral directors, embalmers, sheriffs, physicians and medical officers use the electronic death registration system within six months of the Department of Health and Senior Services certifying that the system is operational and available to all data providers.

**PASSED AS**  
**HB 1692**

#### **BILL HISTORY**

01/19/10	Introduced
05/14/10	Passed by Missouri General Assembly
07/12/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

**STATUTE**  
**452.430**  
**RSMo.**

### **ALLOWS PERSONAL INFORMATION IN DIVORCE FILINGS TO BE AVAILABLE TO SOME FOR LEGITIMATE BUSINESS USES** **452.430 RSMo.**

Employees conducting legitimate business for title insurance companies, and those working as archivists, will be able to view personally identifying information contained in divorce filings under this change to state law 452.430 RSMo. These individuals will be bound by confidentiality to use the information solely for legitimate business uses.

**PASSED AS**  
**HB 1692**

**STATUTES**  
**563.011,**  
**563.031**  
**RSMo.**

### **EXPANSION OF THE "CASTLE DOCTRINE" TO PRIVATE PROPERTY** **563.011, 563.031 RSMo.**

Revisions to 563.011 RSMo. and 565.031 RSMo. expand the "Castle Doctrine" by allowing an individual to use deadly force if an intruder unlawfully enters, remains or attempts to enter property that is privately owned or leased. Previously, individuals were allowed to use deadly force only if an intruder unlawfully enters, remains or attempts to enter their dwelling, residence or vehicle.

**PASSED AS**  
**HB 1692**



To look up and print copies of Missouri laws, go to [www.moga.mo.gov](http://www.moga.mo.gov). Click on "Missouri Revised Statutes." Then, type the statute number in the search field. The 2010 statutes may not be available online for several months. Bills that contain the new laws can be found by clicking on "Joint Bill Tracking."

# NEW MISSOURI LAW: 2010

## OMNIBUS JUDICIARY BILL (CONT.)

---

**STATUTE**  
**571.030.1**  
**(5) RSMo.**

### **PENALTIES FOR NEGLIGENTLY DISCHARGING A FIREARM WHILE INTOXICATED**

#### **571.030.1 (5) RSMo.**

An amendment to the state law that defines the crime of unlawful use of a weapon, 571.030.1 (5) RSMo., adds the component of negligently using or discharging a firearm (except in self defense) while intoxicated.

**PASSED AS**  
HB 1692

**STATUTE**  
**571.030.2**  
**(10)**  
**RSMo.**

### **PROSECUTING ATTORNEYS EXEMPTED FROM WEAPONS OFFENSES**

#### **571.030.2 (10) RSMo.**

Prosecuting attorneys who have completed firearms safety training are now exempt from certain concealed weapons offenses, such as carrying a firearm into a church or school, under a change to state law 571.030.2 (10) RSMo.

**PASSED AS**  
HB 1692

**STATUTE**  
**571.070.3**  
**RSMo.**

### **FELONS ALLOWED TO POSSESS ANTIQUE FIREARMS**

#### **571.070.3 RSMo.**

Convicted felons will be allowed to possess antique firearms under state law 571.070.3 RSMo.

**PASSED AS**  
HB 1692

## DEFENSIVE USE OF FORCE

---

**STATUTE**  
**563.031**  
**RSMo.**

### **PREGNANT WOMEN MAY USE DEADLY FORCE TO PROTECT UNBORN CHILD**

#### **563.031 RSMo.**

In another change to state laws codifying the “Castle Doctrine,” 563.031 RSMo. specifies that a pregnant woman may use deadly force against another person if she reasonably believes that deadly force is necessary to protect her unborn child against death, serious physical injury, or any forcible felony.

See page 2, “Omnibus Judiciary Bill,” for other changes in law related to the right to use deadly force.

**PASSED AS**  
HB 2081

<b>BILL HISTORY</b>	
02/09/10	Introduced
04/28/10	Passed by Missouri General Assembly
06/25/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

## SCHOOL VIOLENCE

---

**STATUTE**  
**160.261**  
**RSMo.**

### **SCHOOL ADMINISTRATORS MUST REPORT SCHOOL VIOLENCE TO ALL TEACHERS**

**160.261.2 RSMo.**

School administrators are now required to report to all teachers at a school any acts of school violence, under 160.261.2 RSMo. Previously, administrators were required to alert teachers and employees on a “need to know” basis.

**PASSED AS**  
**HB 1543**

#### **BILL HISTORY**

01/06/10	Introduced
05/14/10	Passed by Missouri General Assembly
06/24/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

### **SUSPENDED STUDENTS CAN'T ATTEND SCHOOL EVENTS THAT OCCUR OFF OF SCHOOL PROPERTY**

**160.261.3 RSMo.**

New state law 160.261.3 RSMo. specifies that suspended students who are not allowed on school property are also prohibited from attending school events that occur off of school property.

### **ADMINISTRATORS' USE OF FORCE CLARIFIED**

**160.261.10 RSMo.**

Amendments to state law 160.261.10 RSMo. now define that it is not abuse for school administrators to use reasonable force to protect persons or property, and the Children's Division will have no authority to investigate allegations of abuse that result from this use of force. Changes to this statute also now require that spanking or use of force occur in the presence of another school employee. The Children's Division will have jurisdiction to investigate spanking or use of force if that act results in allegations of sexual misconduct.

**STATUTE**  
**160.775**  
**RSMo.**

### **CYBERBULLYING MUST BE INCLUDED IN SCHOOL ANTI-BULLYING POLICIES**

**160.775 RSMo.**

Schools must now address “cyberbullying” and electronic communication in their legally required school anti-bullying policies. This requirement is contained in state law 160.775 RSMo.

**PASSED AS**  
**HB 1543**

# NEW MISSOURI LAW: 2010

## LICENSED PROFESSIONALS

**STATUTES**  
**337.600,**  
**337.643**  
**RSMo.**

### **SOCIAL WORK LICENSURE REQUIREMENTS CHANGED TO CONSECUTIVE MONTHS SUPERVISION** **337.600, 337.643 RSMo.**

Changes to Missouri laws 337.600 RSMo. and 337.643 RSMo. require that Master Social Workers who are performing practices reserved to clinical social workers or advanced macro social workers obtain their required supervision for licensure in 48 consecutive calendar months. These changes also eliminated in statute the category of “provisional licensed clinical social worker,” including that definition under “Master of Social Work.” Finally, the definitions of “qualified advance macro supervisor,” “qualified baccalaureate supervisor,” and “qualified clinical supervisor” were revised to be a licensed social worker who has supervised in the field for at least five years. Previously, supervision was required for at least five uninterrupted years.

**PASSED AS**  
**HB 2226**

<b>BILL HISTORY</b>	
02/23/10	Introduced
05/14/10	Passed by Missouri General Assembly
07/07/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

**STATUTES**  
**337.700,**  
**337.705**  
**RSMo.**

### **PROVISIONAL LICENSE CREATED FOR MARRIAGE AND FAMILY THERAPISTS** **337.700, 337.705 RSMo.**

Missouri statute 337.700 RSMo. authorizes the State Committee for Marital and Family Therapists to issue a provisional license to a person who has met all the requirements of a licensed marital and family therapist other than the supervised clinical experience. Amendments to state law 337.705 RSMo. now prohibit individuals and organizations affiliated with state and local government from discriminating against licensed marital and family therapists when establishing rules or recommending services that legally may be performed by these therapists.

**PASSED AS**  
**HB 2226**

# NEW MISSOURI LAW: 2010

## FUNDING FOR SHELTERS

**STATUTES**  
**59.318,**  
**193.265**  
**RSMo.**

### **FUNDING FOR HOMELESSNESS PROGRAMS IN JACKSON COUNTY** **59.318, 193.265 RSMo.**

New Missouri laws 59.318 RSMo. and 193.265 RSMo. authorize the recorder of deeds in Jackson County to collect a \$1 donation made in addition to any required fees for recording documents or for a certified copy of a marriage license or birth certificate. The funds are to be deposited into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in Jackson County.

**PASSED AS**  
**HB 1643**

#### **BILL HISTORY**

01/13/10	Introduced
05/13/10	Passed by Missouri General Assembly
07/01/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

## CHILD CARE SUBSIDIES

**STATUTE**  
**208.046**  
**RSMo.**

### **CHILD CARE SUBSIDIES EXPANDED TO THOSE WHO EXCEED** **CURRENT CAP ON ELIGIBLE INCOME LEVELS** **208.046 RSMo.**

Missouri law 208.046 RSMo. directs the Children's Division of the Missouri Department of Social Services to modify rules regarding state child care subsidies to allow low-income Missourians who get subsidized child care from the state to remain in the program if their income exceeds the current cap. The section of law 208.046 RSMo. requires that recipients pay a portion of the child care costs, based on a sliding scale, when their incomes exceed the limit. The Children's Division is required to establish these changes to child care subsidies by July 2011.

**PASSED AS**  
**SB 1007**

#### **BILL HISTORY**

02/25/10	Introduced
05/14/10	Passed by Missouri General Assembly
06/25/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

# NEW MISSOURI LAW: 2010

## ABORTION REQUIREMENTS

**STATUTES**  
**188.027,**  
**334.245**  
**RSMo.**

### REGULATIONS FOR ABORTION PROVIDERS

#### **188.027, 334.245 RSMo.**

New Missouri law 188.027 RSMo. requires that an abortion provider must do the following at least 24 hours prior to performing an abortion:

- Provide a woman with access to a telephone and information about rape crisis centers, domestic violence shelters and obtaining an Order of Protection if the physician believes the woman is being coerced into having an abortion;
- Present a woman with printed materials developed by the Department of Health and Senior Services that detail the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments and include prominently the following statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being;"
- Inform the woman of the gestational age of the unborn child at the time of the abortion;
- Give the woman an opportunity to view an active ultrasound and hear the heartbeat of the unborn child;
- Inform the woman and provide written materials that discuss that the abortion may cause pain to the unborn child if the abortion is being performed past 22 weeks and give her the choice to have an anesthetic or analgesic administered to the unborn child; and
- Discuss and provide written materials regarding the medical assistance and counseling resources available to the woman, including the Alternatives to Abortion Program.

State law 334.245 RSMo. now prohibits anyone other than a licensed physician from performing or inducing an abortion.

**PASSED AS**  
**SB 793**

### BILL HISTORY

01/19/10	Introduced
05/14/10	Passed by Missouri General Assembly
07/14/10	Filed without Governor Jay Nixon's signature*
08/28/10	Law effective date

\*SB 793 was not signed by Governor Jay Nixon. A bill can become law without the Governor's signature, as long as the bill is not vetoed.

**STATUTE**  
**376.805**  
**RSMo.**

### HEALTH INSURANCE EXCHANGES PROHIBITED FROM OFFERING ABORTION COVERAGE

#### **376.805 RSMo.**

State insurance law in 376.805 RSMo. now prohibits any health insurance exchange established in the state or any federal health insurance exchange administered in the state from covering elective abortions or allowing them to be covered through the purchase of an option rider. This section of law is directed at the health care exchanges that will become available in coming years as a part of federal health care reform. Traditional health insurance providers in Missouri can cover elective abortions if an option rider is purchased.

**PASSED AS**  
**SB 793**

## MEDICAL RESPONSES

---

**STATUTE**  
**167.182**  
**RSMo.**

### **STATE HEALTH DEPARTMENT TO DEVELOP HPV BROCHURE** **167.182 RSMo.**

The Department of Health and Senior Services, under 167.182 RSMo., is now directed to develop a brochure related to the connection between the human papilloma virus (HPV) and cervical cancer and the availability of an immunization for HPV. The brochure must be available to school districts to give to parents (school districts are not allowed to give the brochure directly to students) and on the Department's website.

**PASSED AS**  
**HB 1375**

#### **BILL HISTORY**

01/06/10	Introduced
05/14/10	Passed by Missouri General Assembly
07/13/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

**STATUTE**  
**191.648**  
**RSMo.**

### **EXPEDITED PARTNER THERAPY ALLOWED FOR TREATMENT OF CHLAMYDIA AND GONORRHEA** **191.648 RSMo.**

Under the provisions of 191.648 RSMo., physicians are allowed to use "expedited partner therapy," or to prescribe medications to the partner of a person diagnosed with chlamydia or gonorrhea without a medical evaluation of the partner.

**PASSED AS**  
**HB 1375**

**STATUTE**  
**334.950**  
**RSMo.**

### **CHILD ABUSE MEDICAL RESOURCE CENTERS AND SAFE CARE PROVIDERS CAN COLLABORATE** **334.950 RSMo.**

A new section of law, 334.950 RSMo., allows child abuse medical resource centers and SAFE CARE providers to collaborate to promote improved services to children who are suspected victims of abuse in need of a Sexual Assault Forensic Evidence (SAFE) exam.

**PASSED AS**  
**HB 2270**

#### **BILL HISTORY**

03/02/10	Introduced
04/27/10	Passed by Missouri General Assembly
07/14/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date

# NEW MISSOURI LAW: 2010

## SEXUALLY ORIENTED BUSINESSES

---

**STATUTE**  
**573.525**  
**RSMo.**

**PASSED AS**  
**SB 586**

### **NEW REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES** **573.525 RSMo.**

Missouri law 573.525 RSMo. regulates sexually oriented businesses (i.e. adult bookstores, strip clubs, etc.) by:

- Prohibiting their establishment within 1,000 feet of schools, houses of worship, day cares, libraries, public parks, residences or other sexually oriented businesses;
- Prohibiting ownership of sexually oriented businesses by individuals who have been convicted of certain crimes;
- Prohibiting nudity;
- Requiring that semi-nude employees of sexually oriented businesses remain on a stage at least six feet from customers;
- Prohibiting semi-nude employees from touching patrons;
- Prohibiting individuals younger than 18 from being on premises of sexually oriented businesses;
- Prohibiting the sale, use or possession of alcohol at sexually oriented businesses;
- Prohibiting operation between the hours of 12:00 midnight and 6 a.m.; and
- Establishing the conditions under which sexually oriented businesses can show adult films in private viewing booths.

These regulatory changes will likely lead to the downsizing and closing of some sexually oriented businesses throughout the state. As a result, women who have been employed by these businesses could turn to riskier and less regulated sex trades.

A lawsuit has been filed to invalidate the provisions of this law and that case remains pending as of August 2010.

<b>BILL HISTORY</b>	
01/06/10	Introduced
05/13/10	Passed by Missouri General Assembly
06/25/10	Signed into law by Governor Jay Nixon
08/28/10	Law effective date