

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1962

1 AN ACT

2 To repeal sections 43.530, 50.333, 50.550,
3 57.290, 67.133, 143.782, 287.780, 374.770,
4 473.750, 476.058, 476.340, 476.385, 482.330,
5 488.005, 488.012, 488.445, 488.2250,
6 488.2253, 488.2300, 488.4014, 488.5320,
7 491.300, 494.410, 494.415, 494.420, 494.425,
8 494.430, 506.060, 510.120, 511.350, 511.510,
9 517.111, 517.141, 517.151, 558.019, 559.021,
10 565.030, 577.051, and 595.045, RSMo, relating
11 to the administration of courts and court
12 procedures, and to enact in lieu thereof
13 forty-four new sections relating to the same
14 subject, with penalty provisions.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
16 AS FOLLOWS:

17 Section A. Sections 43.530, 50.333, 50.550, 57.290, 67.133,
18 143.782, 287.780, 374.770, 473.750, 476.058, 476.340, 476.385,
19 482.330, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300,
20 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425,
21 494.430, 506.060, 510.120, 511.350, 511.510, 517.111, 517.141,
22 517.151, 558.019, 559.021, 565.030, 577.051, and 595.045, RSMo,
23 are repealed and forty-four new sections enacted in lieu thereof,
24 to be known as sections 43.530, 50.333, 50.550, 50.555, 143.782,
25 287.780, 374.770, 473.750, 476.058, 476.061, 476.340, 476.385,

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in boldface type in the above law is new proposed language.

1 477.650, 482.330, 488.005, 488.012, 488.031, 488.445, 488.2250,
2 488.2253, 488.2300, 488.4014, 488.5021, 488.5320, 491.300,
3 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120,
4 511.350, 511.510, 517.111, 517.151, 537.605, 558.019, 559.021,
5 565.030, 577.051, 595.045, 1 and 2, to read as follows:

6 43.530. For each request received by the central
7 repository, as defined in subdivision (1) of section 43.500, the
8 requesting entity shall pay a fee of not more than five dollars
9 per request for criminal history record information and pay a fee
10 of not more than fourteen dollars per request for classification
11 and search of fingerprints. Each such request shall be limited
12 to check and search on one individual. Each request shall be
13 accompanied by a check, warrant, voucher, or money order payable
14 to the state of Missouri-criminal record system. The highway
15 patrol may establish procedures for receiving requests for
16 criminal history record information from courts and others and
17 for classification and search for fingerprints and for paying for
18 such requests by electronic means. There is hereby established
19 by the treasurer of the state of Missouri a fund to be entitled
20 as the "Criminal Record System Fund". Notwithstanding the
21 provisions of section 33.080, RSMo, to the contrary, if the
22 moneys collected and deposited into this fund are not totally
23 expended annually for the purposes set forth in section 43.527,
24 the unexpended moneys in such fund shall remain in the fund and

1 the balance shall be kept in the fund to accumulate from year to
2 year.

3 50.333. 1. There shall be a salary commission in every
4 nonchartered county.

5 2. The county clerk [of the circuit court of the judicial
6 circuit] in which such county is located shall set a date, time
7 and place for the salary commission meeting and serve as
8 temporary chairman of the salary commission until the members of
9 the commission elect a chairman from their number. Upon written
10 request of a majority of the salary commission members the county
11 clerk [of the circuit court] shall forthwith set the earliest
12 date possible for a meeting of the salary commission. The
13 [circuit] county clerk shall give notice of the time and place of
14 any meeting of the salary commission. Such notice shall be
15 published in a newspaper of general circulation in such county at
16 least five days prior to such meeting. Such notice shall contain
17 a general description of the business to be discussed at such
18 meeting.

19 3. The members of the salary commission shall be:

20 (1) The recorder of deeds if the recorder's office is
21 separate from that of the circuit clerk;

22 (2) The county clerk;

23 (3) The prosecuting attorney;

24 (4) The sheriff;

- 1 (5) The county commissioners;
- 2 (6) The collector or treasurer ex officio collector;
- 3 (7) The treasurer or treasurer ex officio collector;
- 4 (8) The assessor;
- 5 (9) The auditor;
- 6 (10) The public administrator; and
- 7 (11) The coroner.

8 Members of the salary commission shall receive no additional
9 compensation for their services as members of the salary
10 commission. A majority of members shall constitute a quorum.

11 4. Notwithstanding the provisions of sections 610.021 and
12 610.022, RSMo, all meetings of a county salary commission shall
13 be open meetings and all votes taken at such meetings shall be
14 open records. Any vote taken at any meeting of the salary
15 commission shall be taken by recorded yeas and nays.

16 5. In every county, the salary commission shall meet at
17 least once before November thirtieth of each odd-numbered year.
18 The salary commission may meet as many times as it deems
19 necessary and may meet after November thirtieth and prior to
20 December fifteenth of any odd-numbered year if the commission has
21 met at least once prior to November thirtieth of that year. At
22 any meeting of the salary commission, the members shall elect a
23 chairman from their number. The county clerk shall present a

1 report on the financial condition of the county to the commission
2 once the chairman is elected, and shall keep the minutes of the
3 meeting.

4 6. For purposes of this section, the 1988 base compensation
5 is the compensation paid on September 1, 1987, plus the same
6 percentage increase paid or allowed, whichever is greater, to the
7 presiding commissioner or the sheriff, whichever is greater, of
8 that county for the year beginning January 1, 1988. Such
9 increase shall be expressed as a percentage of the difference
10 between the maximum allowable compensation and the compensation
11 paid on September 1, 1987. At its meeting in 1987 and at any
12 meeting held in 1988, the salary commission shall determine the
13 compensation to be paid to every county officer holding office on
14 January 1, 1988. The salary commission shall establish the
15 compensation for each office at an amount not greater than that
16 set by law as the maximum compensation. If the salary commission
17 votes to increase compensation, but not to pay the maximum amount
18 authorized by law for any officer or office, then the increase in
19 compensation shall be the same percentage increase for all
20 officers and offices and shall be expressed as a percentage of
21 the difference between the maximum allowable compensation and the
22 compensation being received at the time of the vote. If
23 two-thirds of the members of the salary commission vote to
24 decrease the compensation being received at the time of the vote

1 below that compensation, all officers shall receive the same
2 percentage decrease. The commission may vote not to increase or
3 decrease the compensation and that compensation shall continue to
4 be the salary of such offices and officers during the subsequent
5 term of office.

6 7. For the year 1989 and every second year thereafter, the
7 salary commission shall meet in every county as many times as it
8 deems necessary on or prior to November thirtieth of any such
9 year for the purpose of determining the amount of compensation to
10 be paid to county officials. For each year in which the
11 commission meets, the members shall elect a chairman from their
12 number. The county clerk shall present a report on the financial
13 condition of the county to the commission once the chairman is
14 elected, and shall keep minutes of the meeting. The salary
15 commission shall then consider the compensation to be paid for
16 the next term of office for each county officer to be elected at
17 their next general election. If the commission votes not to
18 increase or decrease the compensation, the salary being paid
19 during the term in which the vote was taken shall continue as the
20 salary of such offices and officers during the subsequent term of
21 office. If the salary commission votes to increase the
22 compensation, all officers or offices whose compensation is being
23 considered by the commission at that time, shall receive the same
24 percentage of the maximum allowable compensation. However, for

1 any county in which all offices' and officers' salaries have been
2 set at one hundred percent of the maximum allowable compensation,
3 the commission may vote to increase the compensation of all
4 offices except that of full-time prosecuting attorneys at that or
5 any subsequent meeting of the salary commission without regard to
6 any law or maximum limitation established by law. Such increase
7 shall be expressed as a percentage of the compensation being paid
8 during the term of office when the vote is taken, and each
9 officer or office whose compensation is being established by the
10 salary commission at that time shall receive the same percentage
11 increase over the compensation being paid for that office during
12 the term when the vote is taken. This increase shall be in
13 addition to any increase mandated by an official's salary
14 schedule because of changes in assessed valuation during the
15 current term. If the salary commission votes to decrease the
16 compensation, a vote of two-thirds or more of all the members of
17 the salary commission shall be required before the salary or
18 other compensation of any county office shall be decreased below
19 the compensation being paid for the particular office on the date
20 the salary commission votes, and all officers and offices shall
21 receive the same percentage decrease.

22 8. The salary commission shall issue, not later than
23 December fifteenth of any year in which it meets, a report of
24 compensation to be paid to each officer and the compensation so

1 set shall be paid beginning with the start of the subsequent term
2 of office of each officer. The report of compensation shall be
3 certified to the clerk of the county commission for the county
4 and shall be in substantially the following form:

5 The salary commission for County
6 hereby certifies that it has met pursuant to law to establish
7 compensation for county officers to be paid to such officers
8 during the next term of office for the officers affected. The
9 salary commission reports that there shall be (no increase in
10 compensation) (an increase of percent) (a
11 decrease of percent) (county officer's salaries set
12 at percent of the maximum allowable
13 compensation). Salaries shall be adjusted each year on the
14 official's year of incumbency for any change in the last
15 completed assessment that would affect the maximum allowable
16 compensation for that office.

17 9. For the meeting in 1989 and every meeting thereafter, in
18 the event a salary commission in any county fails, neglects or
19 refuses to meet as provided in this section, or in the event a
20 majority of the salary commission is unable to reach an agreement
21 and so reports or fails to certify a salary report to the clerk
22 of the county commission by December fifteenth of any year in
23 which a report is required to be certified by this section, then
24 the compensation being paid to each affected office or officer on

1 such date shall continue to be the compensation paid to the
2 affected office or officer during the succeeding term of office.

3 10. Other provisions of law notwithstanding, in every
4 instance where an officer or employee of any county is paid a
5 mileage allowance or reimbursement, the county commission shall
6 allow or reimburse such officers or employees out of the county
7 treasury at the highest rate paid to any county officer for each
8 mile actually and necessarily traveled in the performance of
9 their official duties. The county commission of any county may
10 elect to pay a mileage allowance for any county commissioner for
11 travel going to and returning from the place of holding
12 commission meetings and for all other necessary travel on
13 official county business in the personal motor vehicle of the
14 commissioner presenting the claim. The governing body of any
15 county of the first classification not having a charter form of
16 government may provide by order for the payment of mileage
17 expenses of elected and appointed county officials by payment of
18 a certain amount monthly which would reflect the average monthly
19 mileage expenses of such officer based on the amount allowed
20 pursuant to state law for the payment of mileage for state
21 employees. Any order entered for such purpose shall not be
22 construed as salary, wages or other compensation for services
23 rendered.

24 11. The term "maximum allowable compensation" as used in

1 this section means the highest compensation which may be paid to
2 the specified officer or office in the particular county based on
3 the salary schedule established by law for the specified officer
4 or office. If the salary commission at its meeting in 1987 voted
5 for one hundred percent of the maximum allowable compensation and
6 does not change such vote at its meeting held within thirty days
7 after May 13, 1988, as provided in subsection 6 of this section,
8 the one hundred percent shall be calculated on the basis of the
9 total allowable compensation permitted after May 13, 1988.

10 12. At the salary commission meeting which establishes the
11 percentage rate to be applied to county officers during the next
12 term of office, the salary commission may authorize the further
13 adjustment of such officers' compensation as a cost-of-living
14 component and effective January first of each year, the
15 compensation for county officers may be adjusted by the county
16 commission, and if the adjustment of compensation is authorized,
17 the percentage increase shall be the same for all county
18 officers, not to exceed the percentage increase given to the
19 other county employees. The compensation for all county officers
20 may be set as a group, although the change in compensation will
21 not become effective until the next term of office for each
22 officer.

23 13. At the salary commission meeting in 1997 which
24 establishes the salaries for those officers to be elected at the

1 general election in 1998, the salary commission of each
2 noncharter county may provide salary increases for associate
3 county commissioners elected in 1996. This one-time increase is
4 necessitated by the change from two- to four-year terms for
5 associate commissioners pursuant to house bill 256, passed by the
6 first regular session of the eighty-eighth general assembly in
7 1995.

8 50.550. 1. The annual budget shall present a complete
9 financial plan for the ensuing budget year. It shall set forth
10 all proposed expenditures for the administration, operation and
11 maintenance of all offices, departments, commissions, courts and
12 institutions; the actual or estimated operating deficits or
13 surpluses from prior years; all interest and debt redemption
14 charges during the year and expenditures for capital projects.

15 2. The budget shall contain adequate provisions for the
16 expenditures necessary for the care of insane pauper patients in
17 state hospitals, for the cost of holding elections and for the
18 costs of holding circuit court in the county that are chargeable
19 against the county, for the repair and upkeep of bridges other
20 than on state highways and not in any special road district, and
21 for the salaries, office expenses and deputy and clerical hire of
22 all county officers and agencies.

23 3. In addition, the budget shall set forth in detail the
24 anticipated income and other means of financing the proposed

1 expenditures.

2 4. All receipts of the county for operation and maintenance
3 shall be credited to the general fund, and all expenditures for
4 these purposes shall be charged to this fund; except, that
5 receipts from the special tax levy for roads and bridges shall be
6 kept in a special fund and expenditures for roads and bridges may
7 be charged to the special fund.

8 5. All receipts from the sale of bonds for any purpose
9 shall be credited to the bond fund created for the purpose, and
10 all expenditures for this purpose shall be charged to the fund.
11 All receipts for the retirement of any bond issue shall be
12 credited to a retirement fund for the issue, and all payments to
13 retire the issue shall be charged to the fund. All receipts for
14 interest on outstanding bonds and all premiums and accrued
15 interest on bonds sold shall be credited to the interest fund,
16 and all payments of interest on the bonds shall be charged to the
17 interest fund.

18 6. Subject to the provisions of section 50.555 the county
19 commission may create a fund to be known as "The County
20 Crime Reduction Fund".

21 7. The county commission may create other funds as are
22 necessary from time to time.

23 50.555. 1. A county commission may establish by ordinance
24 or order a fund whose proceeds may be expended only for the

1 purposes provided for in subsection 3 of this section. The fund
2 shall be designated as a county crime reduction fund and shall be
3 under the supervision of a board of trustees consisting of one
4 citizen of the county appointed by the presiding commissioner of
5 the county, one citizen of the county appointed by the sheriff of
6 the county, and one citizen of the county appointed by the county
7 prosecuting attorney.

8 2. Money from the county crime reduction fund shall only be
9 expended upon the approval of a majority of the members of the
10 county crime reduction fund's board of trustees and only for the
11 purposes provided for by subsection 3 of this section.

12 3. Money from the county crime reduction fund shall only be
13 expended for the following purposes:

14 (1) Narcotics investigation, prevention, and intervention;

15 (2) Purchase of law enforcement related equipment and
16 supplies for the sheriff's office;

17 (3) Matching funds for federal or state law enforcement
18 grants;

19 (4) Funding for the reporting of all state and federal
20 crime statistics or information; and

21 (5) Any law enforcement related expense, including those of
22 the prosecuting attorney, approved by the board of trustees for
23 the county crime reduction fund that is reasonably related to
24 investigation, preparation, trial, and disposition of criminal

1 cases before the courts of the state of Missouri.

2 4. The county commission may not reduce any law enforcement
3 agency's budget as a result of funds the law enforcement agency
4 receives from the county crime reduction fund. The county crime
5 reduction fund is to be used only as a supplement to the law
6 enforcement agency's funding received from other county, state,
7 or federal funds.

8 5. County crime reduction funds shall be audited as are all
9 other county funds.

10 143.782. As used in sections 143.782 to 143.788, unless the
11 context clearly requires otherwise, the following terms shall
12 and include:

13 (1) "Court", the supreme court, court of appeals, or any
14 circuit court of the state;

15 (2) "Debt", any sum due and legally owed to any state
16 agency which has accrued through contract, subrogation, tort, or
17 operation of law regardless of whether there is an outstanding
18 judgment for that sum, court costs as defined in section 488.010,
19 RSMo, fines and fees owed to a court, or any support obligation
20 which is being enforced by the division of family services on
21 behalf of a person who is receiving support enforcement services
22 pursuant to section 454.425, RSMo;

23 [(2)] (3) "Debtor", any individual, sole proprietorship,
24 partnership, corporation or other legal entity owing a debt;

1 [(3)] (4) "Department", the department of revenue of the
2 state of Missouri;

3 [(4)] (5) "Refund", the Missouri income tax refund which
4 the department determines to be due any taxpayer pursuant to the
5 provisions of this chapter. The amount of a refund shall not
6 include any senior citizens property tax credit provided by
7 sections 135.010 to 135.035, RSMo; and

8 [(5)] (6) "State agency", any department, division, board,
9 commission, office, or other agency of the state of Missouri,
10 including public community college district.

11 287.780. No employer or agent, including the state or any
12 agency, department, or division thereof, shall discharge or in
13 any way discriminate against any employee for exercising any of
14 [his] the employee's rights under this chapter. Any employee who
15 has been discharged or discriminated against shall have a civil
16 action for damages against [his] their employer. For purposes of
17 this section, the state waives its sovereign immunity and submits
18 to suit for claims up to the limits established in section
19 537.610, RSMo.

20 374.770. 1. If there is a breach of the contract of the
21 bond, the court in which the case is pending shall declare a bond
22 forfeiture, unless the surety upon such bond informs the court
23 that the defendant is incarcerated somewhere within the United
24 States. If forfeiture is not ordered because the defendant is

1 incarcerated somewhere within the United States, the surety is
2 responsible for the return of the defendant and shall be liable
3 for all costs incurred by the state or county in returning the
4 defendant, which costs shall be assessed against the bond prior
5 to the release of the surety. If bond forfeiture is ordered and
6 the surety can subsequently prove the defendant is incarcerated
7 somewhere within the United States, then the bond forfeiture
8 shall be set aside and the surety be responsible for the return
9 of the defendant and shall be liable for all costs incurred by
10 the state or county in returning the defendant, which costs shall
11 be assessed against the bond prior to the release of the surety.

12 When the surety notifies the court of the whereabouts of the
13 defendant, a hold order shall be placed by the court having
14 jurisdiction on the defendant in the state in which the defendant
15 is being held.

16 2. In all instances in which a bail bond agent or general
17 bail bond agent duly licensed by sections 374.700 to 374.775 has
18 given his bond for bail for any defendant who has absented
19 himself in violation of the condition of such bond, the bail bond
20 agent or general bail bond agent shall have the first opportunity
21 to return such defendant to the proper court. If he is unable to
22 return such defendant, the state of Missouri shall return such
23 defendant to the proper court for prosecution, and all costs
24 incurred by the state in so returning a defendant may be levied

1 against the bail bond agent or general bail bond agent in
2 question.

3 473.750. 1. In addition to the provisions of sections
4 473.730 to 473.767, [he and his] a public administrator and the
5 public administrator's securities shall have the same powers as
6 are conferred upon, and be subject to the same duties, penalties,
7 provisions and proceedings as are enjoined upon or authorized
8 against personal representatives, guardians and conservators by
9 chapters 472 to 475, RSMo, so far as the same may be applicable.
10 [He] The public administrator shall have power to administer
11 oaths and affirmations in all matters relating or belonging to
12 the exercise of [his] the office of public administrator.

13 2. Notwithstanding the provisions of chapter 475, RSMo,
14 relating to the verification of securities and bank deposits, the
15 public administrator of a county with a charter form of
16 government with more than six hundred thousand but less than
17 seven hundred thousand inhabitants, subject to the conditions
18 imposed by and with the approval of the judge of the probate
19 division of such county, may utilize computerized data management
20 software to maintain financial records of estates of decedents,
21 minors and disabled persons and to prepare and file settlements
22 of the accounts of such estates.

23 476.058. 1. As used in this section, the term "court
24 personnel" includes all personnel of all state courts and all

1 divisions of the courts, including juvenile, family and municipal
2 divisions, and clerks, deputy clerks, division clerks, official
3 court reporters, law clerks and court administrators, but not
4 including judges.

5 2. There is hereby established in the state treasury the
6 "State Court Administration Revolving Fund". Any moneys received
7 by or on behalf of the state court administrator from
8 registration fees, grants, or any other source in connection with
9 the training and education of court personnel provided pursuant
10 to this section shall be deposited into the fund.

11 3. In addition, any moneys received by or on behalf of the
12 state courts administrator from fees, grants or any other sources
13 in connection with the preparation of court transcripts shall be
14 deposited in the fund provided, however, that moneys collected in
15 the fund in connection with a particular purpose shall be
16 segregated and shall not be disbursed for any other purpose.

17 4. The state treasurer shall administer the fund and shall
18 disburse moneys from the fund to the state courts administrator
19 pursuant to appropriations in order to provide training [and], to
20 purchase goods and services related to the training and education
21 of court personnel, and to pay for goods and services associated
22 with the preparation of court transcripts.

23 [4.] 5. Any unexpended balance remaining in the fund at the
24 end of each biennium shall be exempt from the provisions of

1 section 33.080, RSMo, relating to the transfer of unexpended
2 balances to the general revenue fund, until the amount in the
3 state courts administration revolving fund exceeds the greater of
4 either one-half of the expenditures from the fund during the
5 previous year, or fifty thousand dollars.

6 476.061. 1. An interpreter or translator cannot be
7 compelled to testify as to the information that would otherwise
8 be protected by attorney-client privilege as between the party
9 and his or her attorney.

10 2. An interpreter or translator who serves in any criminal
11 proceeding, juvenile proceeding, including any investigation,
12 interview or any other proceeding regarding the juvenile, or
13 domestic violence actions commenced pursuant to sections 455.010
14 to 455.085, RSMo, or sections 455.500 to 455.538, RSMo, shall be
15 allowed a reasonable fee approved by the court. If the person
16 requiring an interpreter or translator during the proceeding is a
17 party to or a witness in the proceeding, such fee shall be
18 payable by the state from funds appropriated to the office of the
19 state courts administrator.

20 3. An interpreter or translator appointed pursuant to
21 section 476.060 in any proceeding not enumerated in subsection 2
22 of this section is entitled to a reasonable fee for such
23 provider's service.

24 476.340. 1. The governing body of the conference, between

1 annual sessions, shall be the executive council. The executive
2 council shall consist of the following members:

3 (1) The chief justice of the supreme court, or some member
4 of the supreme court appointed by him;

5 (2) Two other members of the supreme court appointed by the
6 supreme court;

7 (3) One member of each district of the court of appeals
8 elected by the judges thereof, respectively;

9 (4) Eight circuit judges, other than judges of the probate
10 division, three of whom shall be elected for three-year terms,
11 one from each district of the court of appeals, by the circuit
12 judges, other than judges of the probate division, of the
13 district to represent each of the districts of the court of
14 appeals, respectively. A judge whose circuit is in part in more
15 than one district of the court of appeals may vote in and be
16 elected to represent either district but not both. Five of the
17 circuit judges on the council shall be elected for three-year
18 terms by the circuit judges of the state;

19 (5) One judge of the probate division of circuit courts in
20 counties having a population of more than thirty thousand
21 inhabitants elected for a three-year term by the judges of the
22 probate divisions of the circuit courts in such counties;

23 (6) Three associate circuit judges elected for three-year
24 terms, one from each district of the court of appeals, by the

1 associate circuit judges of the district to represent each of the
2 districts of the court of appeals, respectively;

3 (7) Three other associate circuit judges elected for
4 three-year terms by the associate circuit judges of the state;

5 (8) One associate circuit judge from counties having a
6 population of thirty thousand inhabitants or less elected for a
7 three-year term by the associate circuit judges in such counties;

8 (9) One retired judge or commissioner who is a member of
9 the judicial conference elected for a three-year term by such
10 judges and commissioners. Members of the executive council on
11 August 28, [1993] 2002, shall serve out their terms and their
12 replacements shall be elected under the provisions of this
13 section. Vacancies shall be filled for the unexpired term of any
14 member as provided by resolution of the judicial conference.

15 2. The executive council shall have general supervision of
16 the work of the conference and such other duties and authority as
17 may be given to it under rules or resolutions adopted by the
18 conference. The members of the executive council shall elect one
19 of its members vice president to act in the absence of the chief
20 justice.

21 476.385. 1. The judges of the supreme court may appoint a
22 committee consisting of at least seven associate circuit judges,
23 who shall meet en banc and establish and maintain a schedule of
24 fines to be paid for violations of [section] sections 210.104,

1 577.070 and 577.073, RSMo, and chapters 252, 301, 302, 304, 306,
2 307 and 390, RSMo, with such fines increasing in proportion to
3 the severity of the violation. The associate circuit judges of
4 each county may meet en banc and adopt the schedule of fines and
5 participation in the centralized bureau pursuant to this section.
6 Notice of such adoption and participation shall be given in the
7 manner provided by supreme court rule. Upon order of the supreme
8 court, the associate circuit judges of each county may meet en
9 banc and establish and maintain a schedule of fines to be paid
10 for violations of municipal ordinances for cities, towns and
11 villages electing to have violations of its municipal ordinances
12 heard by associate circuit judges, pursuant to section 479.040,
13 RSMo; and for traffic court divisions established pursuant to
14 section 479.500, RSMo. The schedule of fines adopted for
15 violations of municipal ordinances may be modified from time to
16 time as the associate circuit judges of each county en banc deem
17 advisable. No fine established pursuant to this subsection may
18 exceed the maximum amount specified by statute or ordinance for
19 such violation.

20 2. In no event shall any schedule of fines adopted pursuant
21 to this section include offenses involving the following:

22 (1) Any violation resulting in personal injury or property
23 damage to another person;

24 (2) Operating a motor vehicle while intoxicated or under

1 the influence of intoxicants or drugs;

2 (3) Operating a vehicle with a counterfeited, altered,
3 suspended or revoked license;

4 (4) Fleeing or attempting to elude an officer.

5 3. There shall be a centralized bureau to be established by
6 supreme court rule in order to accept pleas of not guilty or
7 guilty and payments of fines and court costs for violations of
8 the laws and ordinances described in subsection 1 of this
9 section, made pursuant to a schedule of fines established
10 pursuant to this section. The centralized bureau shall collect,
11 with any plea of guilty and payment of a fine, all court costs
12 which would have been collected by the court of the jurisdiction
13 from which the violation originated.

14 4. If a person elects not to contest the alleged violation,
15 the person shall send payment in the amount of the fine and any
16 court costs established for the violation to the centralized
17 bureau. Such payment shall be payable to the "central violations
18 bureau", shall be made by mail or in any other manner established
19 by the centralized bureau, and shall constitute a plea of guilty,
20 waiver of trial and a conviction for purposes of section 302.302,
21 RSMo, and for purposes of imposing any collateral consequence of
22 a criminal conviction provided by law. Notwithstanding any
23 provision of law to the contrary, the prosecutor shall not be
24 required to sign any information, ticket or indictment if

1 disposition is made pursuant to this subsection. In the event
2 that any payment is made pursuant to this section by credit card
3 or similar method, the centralized bureau may charge an
4 additional fee in order to reflect any transaction cost,
5 surcharge or fee imposed on the recipient of the credit card
6 payment by the credit card company.

7 5. If a person elects to plead not guilty, such person
8 shall send the plea of not guilty to the centralized bureau. The
9 bureau shall send such plea and request for trial to the
10 prosecutor having original jurisdiction over the offense. Any
11 trial shall be conducted at the location designated by the court.
12 The clerk of the court in which the case is to be heard shall
13 notify in writing such person of the date certain for the
14 disposition of such charges by sending the written notification
15 to the person by ordinary first class United States mail at the
16 address of record shown on the offense citation. The prosecutor
17 shall not be required to sign any information, ticket or
18 indictment until the commencement of any proceeding by the
19 prosecutor with respect to the notice of violation.

20 6. In courts adopting a schedule of fines pursuant to this
21 section, any person receiving a notice of violation pursuant to
22 this section shall also receive written notification of the
23 following:

24 (1) The fine and court costs established pursuant to this

1 section for the violation or information regarding how the person
2 may obtain the amount of the fine and court costs for the
3 violation;

4 (2) That the person must respond to the notice of violation
5 by paying the prescribed fine and court costs, or pleading not
6 guilty and appearing at trial, and that other legal penalties
7 prescribed by law may attach for failure to appear and dispose of
8 the violation. The supreme court may modify the suggested forms
9 for uniform complaint and summons for use in courts adopting the
10 procedures provided by this section, in order to accommodate such
11 required written notifications.

12 7. Any moneys received in payment of fines and court costs
13 pursuant to this section shall not be considered to be state
14 funds, but shall be held in trust by the centralized bureau for
15 benefit of those persons or entities entitled to receive such
16 funds pursuant to this subsection. All amounts paid to the
17 centralized bureau shall be maintained by the centralized bureau,
18 invested in the manner required of the state treasurer for state
19 funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and
20 disbursed as provided by the constitution and laws of this state.
21 Any interest earned on such fund shall be payable to the director
22 of the department of revenue for deposit into a revolving fund to
23 be established pursuant to this subsection. The state treasurer
24 shall be the custodian of the revolving fund, and shall make

1 disbursements, as allowed by lawful appropriations, only to the
2 judicial branch of state government for goods and services
3 related to the administration of the judicial system.

4 8. Any person who receives a notice of violation subject to
5 this section who fails to dispose of such violation as provided
6 by this section shall be guilty of failure to appear provided by
7 section 544.665, RSMo; and may be subject to suspension of
8 driving privileges in the manner provided by section 302.341,
9 RSMo. The centralized bureau shall notify the appropriate
10 prosecutor of any person who fails to either pay the prescribed
11 fine and court costs, or plead not guilty and request a trial
12 within the time allotted by this section, for purposes of
13 application of section 544.665, RSMo. The centralized bureau
14 shall also notify the department of revenue of any failure to
15 appear subject to section 302.341, RSMo, and the department shall
16 thereupon suspend the license of the driver in the manner
17 provided by section 302.341, RSMo, as if notified by the court.

18 9. In addition to the remedies provided by subsection 8 of
19 this section, the centralized bureau and the courts may use the
20 remedies provided by sections 488.010 to 488.020, RSMo, for the
21 collection of court costs payable to courts, in order to collect
22 fines and court costs for violations subject to this section.

23 477.650. 1. There is hereby established a "Basic Civil
24 Legal Services Fund" to be administered by, or under the

1 direction of, the Missouri supreme court. All moneys collected
2 pursuant to section 488.031, RSMo, shall be credited to the fund.
3 In addition to the court filing surcharges, funds from other
4 public or private sources also may be deposited into the fund and
5 all earnings of the fund shall be credited to the fund. Fund
6 moneys shall not be considered to be state funds or subject to
7 appropriation. The purpose of this section is to increase the
8 funding available for basic civil legal services to eligible low-
9 income persons as such persons are defined by the Federal Legal
10 Services' Corporation Income Eligibility Guidelines.

11 2. Funds in the basic civil legal services fund shall be
12 allocated annually and expended to provide legal representation
13 to eligible low-income persons in the state in civil matters.
14 Moneys, funds, or payments paid to the credit of the basic civil
15 legal services fund shall, at least as often as annually, be
16 distributed to the legal services organizations in Missouri which
17 qualify for federal Legal Services Corporation funding. The
18 funds so distributed shall be used by legal services
19 organizations in Missouri solely to provide legal services to
20 eligible low-income persons as such persons are defined by the
21 federal Legal Services' Corporation Income Eligibility
22 Guidelines. Funds shall be allocated to the programs according
23 to the funding formula employed by the Legal Services Corporation
24 for the distribution of funds to Missouri. Moneys in the basic

1 civil legal services fund shall be considered nonstate funds
2 under the provisions of article IV, section 15 of the Missouri
3 Constitution.

4 3. The Missouri supreme court, or a person or organization
5 designated by the court, is the administrator and shall
6 administer the fund in such manner as determined by the Missouri
7 supreme court, including in accordance with any rules and
8 policies adopted by the Missouri supreme court for such purpose.

9 4. Each recipient of funds from the basic civil legal
10 services fund shall maintain appropriate records accounting for
11 the receipt and expenditure of all funds distributed and received
12 pursuant to this section. These records must be maintained for a
13 period of five years from the close of the fiscal year in which
14 such funds are distributed or received or until audited,
15 whichever is sooner. All funds distributed or received under
16 this section are subject to audit by the Missouri supreme court
17 or the state auditor.

18 482.330. 1. No claim may be filed or prosecuted in small
19 claims court by a party who:

20 (1) Is an assignee of the claim; or

21 (2) Has filed more than eight other claims in the Missouri
22 small claims courts during the current calendar year. If the
23 court finds that a party has filed more claims than are permitted
24 by this section, the court shall dismiss the claim without

1 prejudice.

2 2. At the time of filing an action in small claims court, a
3 plaintiff shall sign a statement that he or she is not the
4 assignee of the claim sued on and that he or she has not filed
5 more than eight other claims in the Missouri small claims courts
6 during the current calendar year.

7 3. Nothing in this section shall prohibit the filing or
8 prosecution of a counterclaim growing out of the same transaction
9 or occurrence.

10 4. [No claim may be filed in a small claims court unless:

11 (1) At least one defendant is a resident of the county in
12 which the court is located or at least one of the plaintiffs is a
13 resident of the county in which the court is located and at least
14 one defendant may be found in said county; or

15 (2) The facts giving rise to the cause of action took place
16 within the county in which the court is located.] Venue in small
17 claims court shall be pursuant to section 508.010, RSMo.

18 488.005. Notwithstanding any other provision of law to the
19 contrary, whether enacted before, on or after August 28, 1996, no
20 clerk of any court shall collect any surcharge authorized by or
21 pursuant to any ordinance, order or resolution which provides
22 that the effective date to commence imposition of such surcharge
23 is on or after January 1, 1997, unless such ordinance, order or
24 resolution is authorized by statute.

1 488.012. 1. Beginning July 1, 1997, the clerk of each
2 court of this state responsible for collecting court costs shall
3 collect the court costs authorized by statute, in such amounts as
4 are authorized by supreme court rule adopted pursuant to sections
5 488.010 to 488.020. Court costs due and payable prior to July 1,
6 1997, shall not be affected by the adoption of this rule.

7 2. The supreme court shall set the amount of court costs
8 authorized by statute, at levels to produce revenue which shall
9 not substantially exceed the total of the proportion of the costs
10 associated with administration of the judicial system defrayed by
11 fees, miscellaneous charges and surcharges.

12 3. Prior to adjustment by the supreme court, the following
13 fees, costs and charges shall be collected:

14 (1) Five dollars for the filing of a lien, pursuant to
15 section 429.090, RSMo;

16 (2) Ten dollars for maintaining child support enforcement
17 records, pursuant to section 452.345, RSMo;

18 (3) Ten dollars for a notice to a judgment creditor of a
19 distributee, pursuant to section 473.618, RSMo;

20 (4) Three dollars for receiving and keeping a will,
21 pursuant to section 474.510, RSMo;

22 (5) Seven dollars for the statewide court automation fund,
23 pursuant to section 476.053, RSMo;

24 (6) Twelve dollars for municipal court costs, fifteen

1 dollars for municipal ordinance violations filed before an
2 associate circuit judge and thirty dollars for applications for a
3 trial de novo of a municipal ordinance violation, pursuant to
4 section 479.260, RSMo;

5 (7) Five dollars for small claims court cases where less
6 than one hundred dollars is in dispute, and ten dollars in all
7 other small claims court cases, pursuant to section 482.345,
8 RSMo;

9 (8) Fifty dollars for appeals, pursuant to section 483.500,
10 RSMo;

11 (9) Fifteen dollars in misdemeanor cases where there is no
12 application for trial de novo, pursuant to section 483.530, RSMo;

13 (10) Forty-five dollars for applications for a trial de
14 novo for misdemeanor cases, pursuant to section 483.530, RSMo;

15 (11) Fifteen dollars for each preliminary hearing in felony
16 cases, pursuant to section 483.530, RSMo;

17 (12) Thirty dollars for each information or indictment
18 filed in felony cases, pursuant to section 483.530, RSMo;

19 (13) Fifteen dollars for each associate circuit court case
20 filed[, and one dollar for each additional summons issued in such
21 cases,] pursuant to section 483.530, RSMo;

22 (14) Forty-five dollars for applications for trial de novo
23 from small claims court and associate circuit court and
24 forty-five dollars for filing of other cases, pursuant to section

1 483.530, RSMo;

2 (15) One dollar and fifty cents for a certificate of
3 naturalization, pursuant to section 483.535, RSMo;

4 (16) When letters are applied for in probate proceedings,
5 pursuant to section 483.580, RSMo, when the value of the estate
6 is:

7	(a) Less than \$10,000	\$75.00
8	(b) From \$10,000 to \$25,000	115.00
9	(c) From \$25,000 to \$50,000	155.00
10	(d) From \$50,000 to 100,000	245.00
11	(e) From \$100,000 to \$500,000	305.00
12	(f) More than \$500,000	365.00;

13 (17) Thirty dollars for each additional twelve months a
14 decedent's estate remains open, pursuant to section 483.580,
15 RSMo;

16 (18) In proceedings regarding guardianships and
17 conservatorships, pursuant to section 483.580, RSMo:

18 (a) Twenty-five dollars for each grant of letters for
19 guardianship of a minor;

20 (b) Fifty dollars for each grant of letters for
21 guardianship of an incapacitated person;

22 (c) Sixty dollars for each grant of letters for
23 guardianship of the person and conservatorship of the estate of a
24 minor;

1 (d) Twenty-five dollars for each additional twelve months a
2 conservatorship of a minor's estate case remains open;

3 (e) Seventy-five dollars for each grant of letters in
4 guardianship and conservatorship of incapacitated persons and
5 their estates;

6 (f) Thirty dollars for each additional twelve months an
7 incapacitated person's case remains open;

8 (19) Fifteen dollars for issuing orders refusing to grant
9 letters to a spouse or an unmarried minor child and thirty
10 dollars for a certified copy of such orders, pursuant to section
11 483.580, RSMo;

12 (20) In probate proceedings, pursuant to section 483.580,
13 RSMo:

14 (a) Thirty-five dollars for the collection of small
15 estates;

16 (b) Thirty-five dollars for involuntary hospitalization
17 proceedings;

18 (c) Thirty dollars for proceedings to determine heirship;

19 (d) Fifteen dollars for assessment of estate taxes where no
20 letters are granted;

21 (e) Fifty dollars for proceedings for the sale of real
22 estate by a nonresident conservator;

23 (f) Forty dollars for proceedings to dispense with
24 administration;

1 (g) Twenty dollars for proceedings to dispense with
2 conservatorship;

3 (h) Twenty-five dollars for admitting a will to probate;

4 (i) One dollar per copied page and one dollar and fifty
5 cents per certificate;

6 (21) One dollar and fifty cents per page for testimony
7 transcription, pursuant to section 485.100, RSMo;

8 (22) Fifteen dollars for court reporters, pursuant to
9 section 485.120, RSMo;

10 (23) Three dollars for witness fees per day, and four
11 dollars when the witness must travel to another county, pursuant
12 to section 491.280, RSMo.

13 488.031. 1. In addition to other fees authorized by law,
14 the clerk of each court shall collect the following fees on the
15 filing of any civil or criminal action or proceeding, including
16 an appeal:

17 Supreme court and courts of appeals \$20.00;

18 Circuit courts \$10.00;

19 Associate circuit courts \$ 5.00;

20 Municipal courts \$ 5.00;

21 Small claims courts no additional fee.

22 2. Court filing surcharges under this section shall be
23 collected in the same manner as other fees, fines, or costs in
24 the case. The amounts so collected shall be paid by the clerk to

1 the office of the state court administrator and credited to the
2 special fund designated as the basic civil legal services fund.
3 However, the additional fees prescribed by this section shall not
4 be collected when a criminal proceeding or defendant has been
5 dismissed by the court or when costs are waived or are to be paid
6 by the state, county, municipality, or other political
7 subdivision of the state.

8 488.445. 1. The governing body of any county, or of any
9 city not within a county, by order or ordinance [to be effective
10 prior to January 1, 2001], may impose a fee upon the issuance of
11 a marriage license and may impose a surcharge upon any civil case
12 filed in the circuit court. The surcharge shall not be charged
13 when costs are waived or are to be paid by the state, county or
14 municipality.

15 2. The fee imposed upon the issuance of a marriage license
16 shall be five dollars, shall be paid by the person applying for
17 the license and shall be collected by the recorder of deeds at
18 the time the license is issued. The surcharge imposed upon the
19 filing of a civil action shall be two dollars, shall be paid by
20 the party who filed the petition and shall be collected and
21 disbursed by the clerk of the court in the manner provided by
22 sections 488.010 to 488.020. Such amounts shall be payable to
23 the treasuries of the counties from which such surcharges were
24 paid.

1 3. At the end of each month, the recorder of deeds shall
2 file a verified report with the county commission of the fees
3 collected pursuant to the provisions of subsection 2 of this
4 section. The report may be consolidated with the monthly report
5 of other fees collected by such officers. Upon the filing of the
6 reports the recorder of deeds shall forthwith pay over to the
7 county treasurer all fees collected pursuant to subsection 2 of
8 this section. The county treasurer shall deposit all such fees
9 upon receipt in a special fund to be expended only to provide
10 financial assistance to shelters for victims of domestic violence
11 as provided in sections 455.200 to 455.230, RSMo.

12 488.2250. 1. For all transcripts of testimony given or
13 proceedings had in any circuit court, the court reporter shall
14 receive the sum of [one dollar and fifty cents] two dollars and
15 twenty-five cents per twenty-five line page for the original of
16 the transcript, and the sum of [thirty-five] fifty cents per
17 twenty-five line page for each [carbon] copy thereof; the page to
18 be approximately eight and one-half inches by eleven inches in
19 size, with left-hand margin of approximately one and one-half
20 inches and the right-hand margin of approximately one-half inch;
21 answer to follow question on same line when feasible; such page
22 to be designated as a legal page. Any judge, in his or her
23 discretion, may order a transcript of all or any part of the
24 evidence or oral proceedings, and the court reporter's fees for

1 making the same shall be paid by the state upon a voucher
2 approved by the court, and taxed against the state. In criminal
3 cases where an appeal is taken by the defendant, and it appears
4 to the satisfaction of the court that the defendant is unable to
5 pay the costs of the transcript for the purpose of perfecting the
6 appeal, the court shall order the court reporter to furnish three
7 transcripts in duplication of the notes of the evidence, for [the
8 original of] which he or she shall receive [one dollar and fifty
9 cents] two dollars and twenty-five cents per [legal] twenty-five
10 line page and for [the] additional copies [twenty] fifty cents
11 per page. The payment of court reporter's fees provided in this
12 section shall be made by the state upon a voucher approved by the
13 court.

14 2. Beginning January 1, 2004, the amounts a court reporter
15 shall receive for transcripts described in subsection 1 of this
16 section shall be increased or decreased on an annual basis,
17 effective January first of each year, in accordance with the
18 Implicit Price Deflator for Personal Consumption Expenditures as
19 published by the Bureau of Economic Analysis of the United States
20 Department of Commerce. The current value of the limitation
21 shall be calculated by the director of the department of
22 insurance, who shall furnish that value to the secretary of
23 state, who shall publish such value in the Missouri Register each
24 year, as soon after the first day of January as practical, but

1 shall be otherwise exempt from the provisions of section 536.021,
2 RSMo.

3 488.2253. In every contested case, or case in which the
4 evidence is to be preserved, except for the collection of
5 delinquent or back taxes, before any circuit judge when an
6 official court reporter is appointed, the clerk of said court
7 shall tax up the sum of [fifteen] twenty-five dollars, to be
8 collected as other costs, and paid by said clerk to the director
9 of revenue of the state.

10 488.2300. 1. A "Family Services and Justice Fund" is
11 hereby established in each county or circuit with a family court,
12 for the purpose of aiding with the operation of the family court
13 divisions and services provided by those divisions. In circuits
14 or counties having a family court, the circuit clerk shall charge
15 and collect a surcharge of thirty dollars in all proceedings
16 falling within the jurisdiction of the family court. The
17 surcharge shall not be charged when no court costs are otherwise
18 required, shall not be charged for actions filed pursuant to the
19 provisions of chapter 455, RSMo, shall not be charged to a
20 government agency and shall not be charged in any proceeding when
21 costs are waived or are to be paid by the state, county or
22 municipality.

23 2. In juvenile proceedings under chapter 211, RSMo, a
24 judgment of up to thirty dollars may be assessed against the

1 child, parent or custodian of the child, in addition to other
2 amounts authorized by law, in informal adjustments made under the
3 provisions of sections 211.081 and 211.083, RSMo, and in an order
4 of disposition or treatment under the provisions of section
5 211.181, RSMo. The judgment may be ordered paid to the clerk of
6 the circuit where the assessment is imposed [and shall be
7 collected and disbursed in the manner provided by sections
8 488.010 to 488.020].

9 3. All sums collected pursuant to this section and section
10 487.140, RSMo, shall be payable to the various county family
11 services and justice funds.

12 4. Any moneys in the family services and justice fund not
13 expended for salaries of commissioners, family court
14 administrators and family court staff shall be used toward
15 funding the enhanced services provided as a result of the
16 establishment of a family court; however, it shall not replace or
17 reduce the current and ongoing responsibilities of the counties
18 to provide funding for the courts as required by law. Moneys
19 collected for the family services and justice fund shall be
20 expended for the benefit of litigants and recipients of services
21 in the family court, with priority given to services such as
22 mediation, counseling, home studies, psychological evaluation and
23 other forms of alternative dispute-resolution services.
24 Expenditures shall be made at the discretion of the presiding

1 judge or family court administrative judge, as designated by the
2 circuit and associate circuit judges en banc, for the
3 implementation of the family court system as set forth in this
4 section. No moneys from the family services and justice fund may
5 be used to pay for mediation in any cause of action in which
6 domestic violence is alleged.

7 5. From the funds collected pursuant to this section and
8 retained in the family services and justice fund, each circuit or
9 county in which a family court commissioner in addition to those
10 commissioners existing as juvenile court commissioners on August
11 28, 1993, have been appointed pursuant to sections 487.020 to
12 487.040, RSMo, shall pay to and reimburse the state for the
13 actual costs of that portion of the salaries of family court
14 commissioners appointed pursuant to the provisions of sections
15 487.020 to 487.040, RSMo.

16 6. No moneys deposited in the family services and justice
17 fund may be expended for capital improvements.

18 488.4014. 1. A fee of ten dollars, as provided in section
19 67.133, RSMo, shall be assessed in all cases in which the
20 defendant [is convicted] pleads guilty or is found guilty of
21 [violating] a nonfelony violation of any provision of chapters
22 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction
23 otherwise provided by law, a fee of twenty-five dollars shall be
24 assessed in all misdemeanor cases otherwise provided by law in

1 which the defendant pleads guilty or is found guilty, and a fee
2 of seventy-five dollars shall be assessed in all felony cases[,
3 in criminal cases including violations of any county ordinance or
4 any violation of a criminal or traffic law of the state] in which
5 the defendant pleads guilty or is found guilty, except that no
6 such fees shall be collected in any proceeding in any court when
7 the proceeding or the defendant has been dismissed by the court
8 or when costs are to be paid by the state, county or
9 municipality. All fees collected [under the provisions of
10 section 67.133, RSMo,] shall be collected and disbursed in the
11 manner provided by sections 488.010 to 488.020 and payable to the
12 county treasurer who shall deposit those funds in the county
13 treasury.

14 2. Counties shall be entitled to a judgment in the amount
15 of twenty-five percent of all sums collected[, pursuant to
16 section 67.133, RSMo,] on recognizances given to the state in
17 criminal cases, which are or may become forfeited, if not more
18 than five hundred dollars, and fifteen percent of all sums over
19 five hundred dollars, to be paid out of the amount collected.

20 488.5021. 1. In addition to any other assessment
21 authorized by law, a court may assess a fee of twenty dollars on
22 each person who pays a court ordered penalty, fine or sanction on
23 a time payment basis, including parking penalties, restitution
24 and juvenile monetary assessments. A time payment basis shall be

1 any penalty, fine or sanction not paid, in full, within thirty
2 days of the date the court imposed the fine, penalty or sanction.
3 Imposition of the time payment fee shall be in addition to any
4 other enforcement provisions authorized by law.

5 2. Eight dollars of the time payment fee collected pursuant
6 to this section shall be payable to the clerk of the court of the
7 county from which such fee was collected, or to such person as is
8 designated by local circuit court rule as treasurer of said fund,
9 and said fund shall be applied and expended under the direction
10 and order of the court en banc of any such county to be utilized
11 by the court to improve, maintain and enhance the ability to
12 collect and manage moneys assessed or received by the courts, to
13 improve case processing, enhance court security or to improve the
14 administration of justice. Seven dollars of the time payment fee
15 shall be deposited in the statewide court automation fund
16 pursuant to section 476.055, RSMo. Five dollars of the time
17 payment fee shall be deposited in the drug court resources fund
18 pursuant to section 478.009, RSMo.

19 488.5320. 1. Sheriffs, county marshals or other officers
20 shall be allowed a charge[, as provided in section 57.290, RSMo,]
21 for their services rendered in criminal cases and in all
22 proceedings for contempt or attachment, as required by law, the
23 sum of seventy-five dollars for each felony case or contempt or
24 attachment proceeding, ten dollars for each misdemeanor case, and

1 six dollars for each infraction, excluding cases disposed of by a
2 traffic violations bureau established pursuant to law or supreme
3 court rule. Such charges shall be charged and collected in the
4 manner provided by sections 488.010 to 488.020 and shall be
5 payable to the county treasury.

6 2. The sheriff receiving any charge pursuant to [section
7 57.290, RSMo,] subsection 1 of this section shall reimburse the
8 sheriff of any other county or the City of St. Louis the sum of
9 three dollars for each pleading, writ, summons, order of court or
10 other document served in connection with the case or proceeding
11 by the sheriff of the other county or city, and return made
12 thereof, to the maximum amount of the total charge received
13 pursuant to [section 57.290, RSMo] subsection 1 of this section.

14 3. [As provided in section 57.290, RSMo,] In cities and
15 counties having a population of three hundred thousand
16 inhabitants and over, each deputy sheriff, but not more than two
17 deputy sheriffs, shall be allowed six dollars for each day during
18 the term of court, to be paid by the city or county having a
19 population of three hundred thousand inhabitants or over.

20 4. For the services of taking convicted offenders to the
21 reception and diagnostic center designated by the director of the
22 department of corrections, the sheriff, county marshal or other
23 officers shall[, as provided in section 57.290, RSMo,] receive
24 the sum of eight dollars per day for the time actually and

1 necessarily employed in traveling to and from the reception and
2 diagnostic center, and each guard shall[, as provided in section
3 57.290, RSMo,] receive the sum of six dollars per day for the
4 same, and the sheriff, county marshal or other officer and guard
5 shall[, as provided in section 57.290, RSMo,] receive the mileage
6 rate prescribed by this section [57.290, RSMo,] for the distance
7 necessarily traveled in going to and returning from the reception
8 and diagnostic center, the time and distance to be estimated by
9 the most usually traveled route from the place of departure to
10 the reception and diagnostic center; the mileage rate prescribed
11 by this section [57.290, RSMo,] for each mile traveled shall be
12 allowed to the sheriff to cover all expenses on each convicted
13 offender while being taken to the reception and diagnostic
14 center; and all persons convicted and sentenced to imprisonment
15 in the department of corrections at any term or sitting of the
16 court, shall be taken to the reception and diagnostic center at
17 the same time, unless prevented by sickness or unavoidable
18 accident. In cities having a population of two hundred thousand
19 inhabitants or more, convicted offenders shall be taken to the
20 reception and diagnostic center as often as the sheriff deems
21 necessary. When three or more convicted offenders are being
22 taken to the reception and diagnostic center at one time, a guard
23 may be employed[, as provided in section 57.290, RSMo,] but no
24 guard shall be employed for a less number of convicted offenders

1 except upon the order, entered of record, of the judge of the
2 court in which the conviction was had, and any additional guards
3 employed by order of the judge shall, in no event, exceed one for
4 every three convicted offenders; and before any claim for taking
5 convicted offenders to the reception and diagnostic center is
6 allowed, the sheriff, or other officer conveying such convicted
7 offender, shall file with the state commissioner of
8 administration an itemized statement of such sheriff's account,
9 in which the sheriff shall give the name of each convicted
10 offender conveyed and the name of each guard actually employed,
11 with the number of miles necessarily traveled and the number of
12 days required, which in no case shall exceed three days, and
13 which account shall be signed and sworn to by such officer and
14 accompanied by a certificate from the chief administrative
15 officer or such officer's designee of the reception and
16 diagnostic center, that such convicted offenders have been
17 delivered at the reception and diagnostic center and were
18 accompanied by each of the officers and guards named in the
19 account.

20 5. The sheriff or other officer who shall take a person,
21 charged with a criminal offense, from the county in which the
22 offender is apprehended to that in which the offense was
23 committed, or who may remove a prisoner from one county to
24 another for any cause authorized by law, or who shall have in

1 custody or under such sheriff's or officer's charge any person
2 undergoing an examination preparatory to such person's commitment
3 more than one day for transporting, safekeeping and maintaining
4 any such person, shall be allowed by the court having cognizance
5 of the offense, three dollars and fifty cents per day[, as
6 provided in section 57.290, RSMo,] for every day such sheriff or
7 officer may have such person under such sheriff's or officer's
8 charge, when the number of days shall exceed one, and the mileage
9 rate prescribed by this section [57.290, RSMo,] for every mile
10 necessarily traveled in going to and returning from one county to
11 another, and the guard employed, who shall in no event exceed the
12 number allowed the sheriff, marshal or other officer in
13 transporting convicted offenders to the reception and diagnostic
14 center, shall be allowed[, as provided in section 57.290, RSMo,]
15 the same compensation as the officer. Three dollars and fifty
16 cents per day, mileage same as officer, shall be allowed for
17 board and all other expenses of each prisoner. No compensation
18 shall be allowed under this section for taking the prisoner or
19 prisoners from one place to another in the same county, excepting
20 in counties which have two or more courts with general criminal
21 jurisdiction. In such counties the sheriff shall have the same
22 fees for conveying prisoners from the jail to place of trial as
23 are allowed for conveying prisoners in like cases from one county
24 to another, and the expenses incurred in transporting prisoners

1 from one county to another, occasioned by the insufficiency of
2 the county jail or threatened mob violence, shall be paid by the
3 county in which such case may have originated; provided that the
4 court is held at a place more than five miles from the jail; and
5 no court shall allow the expense of a guard, although it may have
6 actually been incurred, unless from the evidence of disinterested
7 persons it shall be satisfied that a guard was necessary;
8 provided, that when the place of conviction is remote from a
9 railroad, upon which a convicted offender may be transported to
10 the reception and diagnostic center, the court before which such
11 convicted offender is sentenced may, for good cause shown, allow
12 one guard for every two convicted offenders, such guard to
13 receive three dollars a day and the mileage rate prescribed by
14 this section [57.290, RSMo,] for every mile necessarily traveled
15 in going to and returning from the nearest depot on such railroad
16 to the place where such convicted offender was sentenced.

17 6. The charges provided in subsection 1 of this section
18 shall be taxed as other costs in criminal [procedure] proceedings
19 immediately [after conviction] upon a plea of guilty or a finding
20 of guilt of any defendant in any criminal procedure. The clerk
21 shall tax all the costs in the case against such defendant, which
22 shall be collected and disbursed as provided by sections 488.010
23 to 488.020; provided, that no such charge shall be collected in
24 any proceeding in any court when the proceeding or the defendant

1 has been dismissed by the court; provided further, that all
2 costs, incident to the issuing and serving of writs of scire
3 facias and of writs of fieri facias, and of attachments for
4 witnesses of defendant, shall in no case be paid by the state,
5 but such costs incurred under writs of fieri facias and scire
6 facias shall be paid by the defendant and such defendant's
7 sureties, and costs for attachments for witnesses shall be paid
8 by such witnesses.

9 7. Mileage shall be reimbursed to sheriffs, county marshals
10 and guards for all services rendered pursuant to this section
11 [57.290, RSMo,] at the rate prescribed by the Internal Revenue
12 Service for allowable expenses for motor vehicle use expressed as
13 an amount per mile.

14 491.300. 1. Interpreters and translators in civil and
15 criminal cases shall be allowed a reasonable fee approved by the
16 court.

17 2. Such fee shall be payable by the state in criminal
18 cases, juvenile proceedings and in domestic violence actions
19 commenced pursuant to sections 455.010 to 455.085, RSMo, and
20 sections 455.500 to 455.538, RSMo, from funds appropriated to the
21 office of the state courts administrator if the person requiring
22 an interpreter or translator during the court proceeding is a
23 party to or witness in the proceeding.

24 494.410. 1. The board of jury commissioners shall compile

1 and maintain a list of potential jurors and their addresses, and
2 shall update such list periodically in a manner to be determined
3 by the board. In compiling this list, to be known as the master
4 jury list, the board of jury commissioners shall consult one or
5 more [public records] source lists. The master jury list shall
6 be comprised of not less than five percent of the total
7 population of the county or city not within a county as
8 determined from the last decennial census. In no event shall the
9 master jury list contain less than four hundred names. In
10 compiling the master jury list the board of jury commissioners
11 shall take reasonable measures to avoid duplication of names.
12 The master jury list shall be the result of random selection of
13 names from [public records] one or more source lists.

14 2. Beginning July 1, 2003, the master jury list shall be
15 the result of random selection of names from a minimum of two
16 source lists which shall include, but are not limited to,
17 personal property tax list, voter's registration list and
18 driver's license records. The information furnished by the
19 department of revenue shall not be disclosed except as allowed
20 pursuant to federal law.

21 3. Whoever has custody, possession, or control of any
22 record used in compiling the master jury list shall make the
23 record available to the board of jury commissioners for
24 inspection, reproduction and copying at all reasonable times.

1 [3.] 4. The names of potential jurors on the master jury
2 list shall be considered a public record. The master jury list
3 and copies of all records used in compiling the list shall be
4 retained by the board of jury commissioners for at least five
5 years after compilation of the list.

6 494.415. 1. From time to time and in a manner prescribed
7 by the board of jury commissioners there shall be drawn at random
8 from the master jury list the names or identifying numbers of as
9 many prospective jurors as the court may require. The board of
10 jury commissioners shall cause to be served in a manner
11 prescribed by law for the service of summons or by ordinary mail,
12 as determined by the board, a summons for jury service and a
13 juror qualification form. The juror qualification form shall be
14 approved by the circuit court en banc and shall:

15 (1) Contain instructions to fill out and return the form
16 within ten days;

17 (2) Contain the prospective juror's declaration that his
18 responses are true to the best of his knowledge; and

19 (3) Elicit information concerning the prospective juror's
20 qualifications.

21 Notarization of the juror qualification form shall not be
22 required. If the prospective juror is unable to fill out the
23 juror qualification form, another person may do it for the
24 prospective juror and shall so indicate and the reason therefor.

1 Any prospective juror who fails to return a completed juror
2 qualification form as instructed may be directed by the board of
3 jury commissioners to appear forthwith to fill out a juror
4 qualification form.

5 2. If it is determined from an examination of the juror
6 qualification form that a person is not qualified to serve as a
7 juror, that prospective juror shall be notified in a manner
8 directed by the board of jury commissioners and shall not be
9 required to comply with the summons for jury service. Such names
10 shall be deleted from the master jury list.

11 3. Upon application by a prospective juror, the jury
12 supervisor or board of jury commissioners, acting in accordance
13 with written guidelines adopted by the circuit court, may
14 postpone that prospective juror's service to a later date.

15 4. Those prospective jurors not disqualified from jury
16 service shall constitute the qualified jury list. If any
17 prospective juror is later determined to be ineligible or
18 disqualified, such name shall be deleted from the qualified jury
19 list and the master jury list.

20 5. The qualified jury list shall only be disclosed pursuant
21 to local court rule.

22 494.420. 1. Those persons constituting the qualified jury
23 list, when summoned, shall be placed under the control and
24 supervision of the sheriff or other person designated by the

1 board of jury commissioners in a designated area to be provided
2 in the courthouse.

3 2. Whenever a judge of the circuit court shall require a
4 panel of jurors for jury service, he shall designate the number
5 of jurors required. This number of jurors shall be randomly
6 selected in a manner specified by the board of jury commissioners
7 from the qualified jury list.

8 3. The petit jury list shall only be disclosed pursuant to
9 local court rule.

10 494.425. The following persons shall be disqualified from
11 serving as a petit or grand juror:

12 (1) Any person who is less than [twenty-one] eighteen years
13 of age;

14 (2) Any person not a citizen of the United States;

15 (3) Any person not a resident of the county or city not
16 within a county served by the court issuing the summons;

17 (4) Any person who has been convicted of a felony, unless
18 such person has been restored to [his] such person's civil
19 rights;

20 (5) Any person unable to read, speak and understand the
21 English language;

22 (6) Any person on active duty in the armed forces of the
23 United States or any member of the organized militia on active
24 duty under order of the governor;

1 (7) Any licensed attorney at law;

2 (8) Any judge of a court of record;

3 (9) Any person who, in the judgment of the court or the
4 board of jury commissioners, is incapable of performing the
5 duties of a juror because of mental or physical illness or
6 infirmity.

7 494.430. Upon timely application to the court, the
8 following persons shall be excused from service as a petit or
9 grand juror:

10 (1) Any person actually performing the duties of a
11 clergyman;

12 (2) Any person who has served on a state or federal petit
13 or grand jury within the preceding year;

14 (3) Any person whose absence from [his] such person's
15 regular place of employment would, in the judgment of the court,
16 tend materially and adversely to affect the public safety,
17 health, welfare or interest;

18 (4) Any person upon whom service as a juror would in the
19 judgment of the court impose an extreme hardship;

20 (5) Any person licensed to engage in and actively engaged
21 in the practice of medicine, osteopathy, chiropractic, dentistry,
22 or pharmacy.

23 506.060. 1. In computing any period of time prescribed or
24 allowed by this code, by order of court, or by any applicable

1 statute, the day of the act, event or default after which the
2 designated period of time begins to run is not to be included.
3 The last day of the period so computed is to be included, unless
4 it is a Saturday, Sunday or a legal holiday, in which event the
5 period runs until the end of the next day which is neither a
6 Saturday, Sunday nor a legal holiday. When the period of time
7 prescribed or allowed is less than seven days, intermediate
8 Saturdays, Sundays and legal holidays shall be excluded in the
9 computation. [A half holiday shall be considered as other days
10 and not as a legal holiday.]

11 2. When by this code or by a notice given thereunder or by
12 order of the court an act is required or allowed to be done at or
13 within a specified time, the court for cause shown may, at any
14 time in its discretion

15 (1) With or without motion or notice, order the period
16 enlarged if application therefor is made before the expiration of
17 the period originally prescribed or as extended by a previous
18 order; or

19 (2) Upon motion permit the act to be done after the
20 expiration of the specified period where the failure to act was
21 the result of excusable neglect; but it may not enlarge the
22 period for filing a motion for or granting a new trial, or for
23 commencing an action or taking an appeal as provided by this
24 code.

1 3. The period of time provided for the doing of any act or
2 the taking of any proceeding is not affected or limited by the
3 expiration of a term of court. The expiration of a term of court
4 in no way affects the power of a court to do any act or take any
5 proceeding in any civil action which it is otherwise by law
6 authorized to take and which is pending before it.

7 4. A written motion, other than one which may be heard ex
8 parte, and notice of the hearing thereof shall be served not
9 later than five days before the time specified for the hearing,
10 unless a different period is fixed by law or court rule or by
11 order of the court. Such an order may for cause shown be made on
12 ex parte application. When a motion is supported by an
13 affidavit, the affidavit shall be served with the motion; and,
14 except as otherwise provided by law in connection with motion for
15 new trial, opposing affidavits may be served not later than one
16 day before the hearing, unless the court permits them to be
17 served at some other time.

18 510.120. In all civil cases or administrative proceedings
19 or in criminal cases pending in [any court of] this state at any
20 time when the general assembly is in regular session, veto
21 session, special session, or holding out-of-session committee
22 hearings, it shall be a sufficient cause for a continuance if it
23 shall appear to the court, by affidavit, that any party applying
24 for such continuance, or any attorney, solicitor or counsel of

1 such party is a member of either house of the general assembly,
2 and in actual attendance on the out-of-session committee
3 hearings, regular session, special session, or veto session, of
4 the same, and that the attendance of such party, attorney,
5 solicitor or counsel is necessary to a fair and proper trial or
6 other proceeding in such suit; and on the filing of such
7 affidavit the court shall continue such suit and any and all
8 motions or other proceedings therein, of every kind and nature,
9 including the taking of depositions and discovery responses, and
10 thereupon no trial or other proceedings of any kind or nature
11 shall be had therein until the adjournment or recess for twenty
12 days or more of the regular session, special session, or veto
13 session of the general assembly, nor for ten days [thereafter]
14 before or after, or the day of any out-of-session committee
15 hearings. Such affidavit shall be sufficient, if made at any
16 time during the out-of-session committee hearings, regular
17 session, special session, or veto session of the general
18 assembly, showing that at the time of making the same such party,
19 attorney, solicitor or counsel is in actual attendance upon such
20 out-of-session committee hearings, regular session, special
21 session, or veto session of the general assembly.

22 511.350. 1. Judgments and decrees [rendered] entered by
23 the supreme court, by any United States district or circuit court
24 held within this state, by any district of the court of appeals,

1 by any division of the circuit court [and any probate division of
2 the circuit court], except judgments and decrees rendered by
3 [associate,] small claims and municipal divisions of the circuit
4 courts, shall be liens on the real estate of the person against
5 whom they are rendered, situate in the county for which or in
6 which the court is held. Judgments entered by the associate
7 division of the circuit court which are entitled to a trial de
8 novo pursuant to section 512.180, RSMo, shall be a lien upon
9 final judgment if an application is not filed or, alternatively,
10 upon final judgment of the trial de novo if an application is
11 filed.

12 2. [Judgments and decrees rendered by the associate
13 divisions of the circuit courts shall not be liens on the real
14 estate of the person against whom they are rendered until such
15 judgments or decrees are filed with the clerk of the circuit
16 court pursuant to sections 517.141 and 517.151, RSMo.

17 3.] Judgments and decrees rendered by the small claims and
18 municipal divisions of the circuit court shall not constitute
19 liens against the real estate of the person against whom they are
20 rendered.

21 511.510. [It shall be the duty of each of the circuit
22 clerks, within five days after the rendition of any final
23 judgment in their respective courts, to enter an abstract of such
24 judgment in the record as required in section 511.500; and each

1 circuit clerk shall immediately enter the same when the abstract
2 aforesaid shall be furnished to such clerk by any party
3 interested, or such party's agent; and each] 1. Each circuit
4 clerk shall cause to be entered, as required pursuant to section
5 511.500, an abstract of every final judgment entered by the
6 court. The abstract shall be entered within five days after the
7 rendition of any final judgment or immediately when the abstract
8 shall be furnished to such clerk by any party interested or such
9 party's agent, whichever is earlier. Each of the clerks and
10 their sureties shall be respectively liable for any damage
11 occasioned by any neglect to perform the duties hereby required
12 of them respectively[; and it is further provided, that
13 whenever].

14 2. Whenever any personal representative, guardian or
15 conservator, or any party interested, or such party's agent,
16 shall exhibit to the circuit clerk of the circuit court wherein
17 such judgment may be recorded a receipt or certificate of the
18 proper officer, stating that such judgment has been duly
19 satisfied, then the circuit clerk shall, without further fee,
20 [enter] cause to be entered satisfaction of such judgment in such
21 clerk's office in the record as required in section 511.500.

22 3. For the purposes of this section, the clerk may direct
23 deputy or division clerks to perform all duties necessary to
24 ensure the proper entry of abstracts and satisfactions of

1 judgment.

2 517.111. [1.] When a case is dismissed, or judgment is by
3 default or consent, such judgment shall be entered forthwith by
4 the judge.

5 [2. When a case is tried before a judge without a jury,
6 judgment shall be entered by the judge within thirty days after
7 the case is submitted for final decision unless the parties
8 consent to a longer period of time.]

9 517.151. From entry of the [time of filing the transcript]
10 judgment, every such judgment shall have the same lien on the
11 real estate of the defendant in the county as is given judgments
12 rendered by circuit judges. [The circuit clerk shall collect
13 fees in such amounts as are determined pursuant to sections
14 488.010 to 488.020, RSMo, for each transcript filed.] The
15 revival of any such lien upon real estate shall be under the same
16 procedures as with judgments originally rendered by a circuit
17 judge[, shall be made from the record of the transcribed
18 judgment so filed in the office of circuit clerk,] and may be
19 revived under proceedings before either a circuit or an associate
20 circuit judge. The foregoing provisions shall not apply with
21 respect to any judgment of a small claims court nor shall any
22 judgment of a small claims court be a lien upon real estate.

23 537.605. The state of Missouri, in its capacity as an
24 employer, shall be subject to the provisions the federal Family

1 and Medical Leave Act, 29 U.S.C. Section 2601, et seq., as such
2 law exists on January 1, 2002, and shall be liable for any
3 violation of such act. The state of Missouri waives its
4 sovereign immunity for purposes of enforcement of such act;
5 except that no judgment entered against the state of Missouri
6 shall exceed the liability limits established in section 537.610.

7 558.019. 1. This section shall not be construed to affect
8 the powers of the governor under article IV, section 7, of the
9 Missouri Constitution. This statute shall not affect those
10 provisions of section 565.020, RSMo, section 558.018 or section
11 571.015, RSMo, which set minimum terms of sentences, or the
12 provisions of section 559.115, RSMo, relating to probation.

13 2. The provisions of this section shall be applicable to
14 all classes of felonies except those set forth in chapter 195,
15 RSMo, and those otherwise excluded in subsection 1 of this
16 section. For the purposes of this section, "prison commitment"
17 means and is the receipt by the department of corrections of a
18 defendant after sentencing. For purposes of this section, prior
19 prison commitments to the department of corrections shall not
20 include commitment to a regimented discipline program established
21 pursuant to section 217.378, RSMo. Other provisions of the law
22 to the contrary notwithstanding, any defendant who has pleaded
23 guilty to or has been found guilty of a felony other than a
24 dangerous felony as defined in section 556.061, RSMo, and is

1 committed to the department of corrections shall be required to
2 serve the following minimum prison terms:

3 (1) If the defendant has one previous prison commitment to
4 the department of corrections for a felony offense, the minimum
5 prison term which the defendant must serve shall be forty percent
6 of his sentence or until the defendant attains seventy years of
7 age, and has served at least forty percent of the sentence
8 imposed, whichever occurs first;

9 (2) If the defendant has two previous prison commitments to
10 the department of corrections for felonies unrelated to the
11 present offense, the minimum prison term which the defendant must
12 serve shall be fifty percent of his sentence or until the
13 defendant attains seventy years of age, and has served at least
14 forty percent of the sentence imposed, whichever occurs first;

15 (3) If the defendant has three or more previous prison
16 commitments to the department of corrections for felonies
17 unrelated to the present offense, the minimum prison term which
18 the defendant must serve shall be eighty percent of his sentence
19 or until the defendant attains seventy years of age, and has
20 served at least forty percent of the sentence imposed, whichever
21 occurs first.

22 3. Other provisions of the law to the contrary
23 notwithstanding, any defendant who has pleaded guilty to or has
24 been found guilty of a dangerous felony as defined in section

1 556.061, RSMo, and is committed to the department of corrections
2 shall be required to serve a minimum prison term of eighty-five
3 percent of the sentence imposed by the court or until the
4 defendant attains seventy years of age, and has served at least
5 forty percent of the sentence imposed, whichever occurs first.

6 4. For the purpose of determining the minimum prison term
7 to be served, the following calculations shall apply:

8 (1) A sentence of life shall be calculated to be thirty
9 years;

10 (2) Any sentence either alone or in the aggregate with
11 other consecutive sentences for crimes committed at or near the
12 same time which is over seventy-five years shall be calculated to
13 be seventy-five years.

14 5. For purposes of this section, the term "minimum prison
15 term" shall mean time required to be served by the defendant
16 before he is eligible for parole, conditional release or other
17 early release by the department of corrections. Except that the
18 board of probation and parole, in the case of consecutive
19 sentences imposed at the same time pursuant to a course of
20 conduct constituting a common scheme or plan, shall be authorized
21 to convert consecutive sentences to concurrent sentences, when
22 the board finds, after hearing with notice to the prosecuting or
23 circuit attorney, that the sum of the terms results in an
24 unreasonably excessive total term, taking into consideration all

1 factors related to the crime or crimes committed and the
2 sentences received by others similarly situated.

3 6. (1) A sentencing advisory commission is hereby created
4 to consist of eleven members. One member shall be appointed by
5 the speaker of the house. One member shall be appointed by the
6 president pro tem of the senate. One member shall be the
7 director of the department of corrections. Six members shall be
8 appointed by and serve at the pleasure of the governor from among
9 the following: the public defender commission; private citizens;
10 a private member of the Missouri Bar; the board of probation and
11 parole; and a prosecutor. Two members shall be appointed by the
12 supreme court, one from a metropolitan area and one from a rural
13 area. All members of the sentencing commission appointed prior
14 to August 28, 1994, shall continue to serve on the sentencing
15 advisory commission at the pleasure of the governor.

16 (2) The commission shall study sentencing practices in the
17 circuit courts throughout the state for the purpose of
18 determining whether and to what extent disparities exist among
19 the various circuit courts with respect to the length of
20 sentences imposed and the use of probation for defendants
21 convicted of the same or similar crimes and with similar criminal
22 histories. The commission shall also study and examine whether
23 and to what extent sentencing disparity among economic and social
24 classes exists in relation to the sentence of death and if so,

1 the reasons therefor. It shall compile statistics, examine
2 cases, draw conclusions, and perform other duties relevant to the
3 research and investigation of disparities in death penalty
4 sentencing among economic and social classes.

5 (3) The commission shall establish a system of recommended
6 sentences, within the statutory minimum and maximum sentences
7 provided by law for each felony committed under the laws of this
8 state. This system of recommended sentences shall be distributed
9 to all sentencing courts within the state of Missouri. The
10 recommended sentence for each crime shall take into account, but
11 not be limited to, the following factors:

12 (a) The nature and severity of each offense;

13 (b) The record of prior offenses by the offender;

14 (c) The data gathered by the commission showing the
15 duration and nature of sentences imposed for each crime; and

16 (d) The resources of the department of corrections and
17 other authorities to carry out the punishments that are imposed.

18 (4) The commission shall publish and distribute its system
19 of recommended sentences on or before July 1, 1995. The
20 commission shall study the implementation and use of the system
21 of recommended sentences until July 1, 1998, and return a final
22 report to the governor, the speaker of the house of
23 representatives, and the president pro tem of the senate.

24 Following the July 1, 1998, report, the commission may revise the

1 recommended sentences every three years.

2 (5) The governor shall select a chairperson who shall call
3 meetings of the commission as required or permitted pursuant to
4 the purpose of the sentencing commission.

5 (6) The members of the commission shall not receive
6 compensation for their duties on the commission, but shall be
7 reimbursed for actual and necessary expenses incurred in the
8 performance of these duties and for which they are not reimbursed
9 by reason of their other paid positions.

10 (7) The circuit and associate circuit courts of this state,
11 the office of the state courts administrator, the department of
12 public safety, and the department of corrections shall cooperate
13 with the commission by providing information or access to
14 information needed by the commission. The office of the state
15 courts administrator will provide needed staffing resources.

16 7. If the imposition or execution of a sentence is
17 suspended, the court may consider ordering restorative justice
18 methods pursuant to section 217.777, RSMo, including any or all
19 of the following, or any other method that the court finds just
20 or appropriate:

21 (1) Restitution to any victim for costs incurred as a
22 result of the offender's actions;

23 (2) Offender treatment programs;

24 (3) Mandatory community services;

1 (4) Work release programs in local facilities; and

2 (5) Community-based residential and nonresidential
3 programs.

4 8. If the imposition or execution of a sentence is
5 suspended, in addition to the provisions of subsection 7 of this
6 section, the court may order the assessment and payment of a
7 designated amount of money to a county crime reduction fund
8 established by the county commission pursuant to section 50.555,
9 RSMo. Such contribution shall not exceed one thousand dollars
10 for any charged offense. Any money deposited into the county
11 crime reduction fund pursuant to this section shall only be
12 expended pursuant to the provisions of section 50.555, RSMo.
13 County crime reduction funds shall be audited as are all other
14 county funds.

15 [7.] 9. The provisions of this section shall apply only to
16 offenses occurring on or after August 28, 1994.

17 559.021. 1. The conditions of probation shall be such as
18 the court in its discretion deems reasonably necessary to ensure
19 that the defendant will not again violate the law. When a
20 defendant is placed on probation he shall be given a certificate
21 explicitly stating the conditions on which he is being released.

22 2. In addition to such other authority as exists to order
23 conditions of probation, the court may order such conditions as
24 the court believes will serve to compensate the victim, any

1 dependent of the victim, or society. Such conditions may
2 include, but shall not be limited to:

3 (1) Restitution to the victim or any dependent of the
4 victim, in an amount to be determined by the judge; and

5 (2) The performance of a designated amount of free work for
6 a public or charitable purpose, or purposes, as determined by the
7 judge.

8 3. In addition to such other authority as exists to order
9 conditions of probation, in the case of a plea of guilty or a
10 finding of guilt, the court may order the assessment and payment
11 of a designated amount of money to a county crime reduction fund
12 established by the county commission pursuant to section 50.555,
13 RSMo. Such contribution shall not exceed one thousand dollars
14 for any charged offense. Any money deposited into the county
15 crime reduction fund pursuant to this section shall only be
16 expended pursuant to the provisions of section 50.555, RSMo.
17 County crime reduction funds shall be audited as are all other
18 county funds.

19 [3.] 4. The defendant may refuse probation conditioned on
20 the performance of free work. If he does so, the court shall
21 decide the extent or duration of sentence or other disposition to
22 be imposed and render judgment accordingly. Any county, city,
23 person, organization, or agency, or employee of a county, city,
24 organization or agency charged with the supervision of such free

1 work or who benefits from its performance shall be immune from
2 any suit by the defendant or any person deriving a cause of
3 action from him if such cause of action arises from such
4 supervision of performance, except for an intentional tort or
5 gross negligence. The services performed by the defendant shall
6 not be deemed employment within the meaning of the provisions of
7 chapter 288, RSMo. A defendant performing services pursuant to
8 this section shall not be deemed an employee within the meaning
9 of the provisions of chapter 287, RSMo.

10 [4.] 5. The court may modify or enlarge the conditions of
11 probation at any time prior to the expiration or termination of
12 the probation term.

13 6. The defendant may refuse probation conditioned on a
14 payment to a county crime reduction fund. If he or she does so,
15 the court shall decide the extent or duration of sentence or
16 other disposition to be imposed and render judgment accordingly.
17 A judge may order payment to a crime reduction fund only if such
18 fund had been created prior to sentencing by ordinance or
19 resolution of a county of the state of Missouri. A judge shall
20 not have any direct supervisory authority or administrative
21 control over any fund to which the judge is ordering the
22 defendants to make payments. A defendant who fails to make a
23 payment or payments to a county crime reduction fund may not have
24 his probation revoked solely for failing to make such payment

1 unless the judge, after evidentiary hearing, makes a finding
2 supported by a preponderance of the evidence that the defendant
3 either willfully refused to make the payment or that the
4 defendant willfully, intentionally, and purposefully failed to
5 make sufficient bona fide efforts to acquire the resources to
6 pay.

7 565.030. 1. Where murder in the first degree is charged
8 but not submitted or where the state waives the death penalty,
9 the submission to the trier and all subsequent proceedings in the
10 case shall proceed as in all other criminal cases with a single
11 stage trial in which guilt and punishment are submitted together.

12 2. Where murder in the first degree is submitted to the
13 trier without a waiver of the death penalty, the trial shall
14 proceed in two stages before the same trier. At the first stage
15 the trier shall decide only whether the defendant is guilty or
16 not guilty of any submitted offense. The issue of punishment
17 shall not be submitted to the trier at the first stage. If an
18 offense is charged other than murder in the first degree in a
19 count together with a count of murder in the first degree, the
20 trial judge shall assess punishment on any such offense according
21 to law, after the defendant is found guilty of such offense and
22 after he finds the defendant to be a prior offender pursuant to
23 chapter 558, RSMo.

24 3. If murder in the first degree is submitted and the death

1 penalty was not waived but the trier finds the defendant guilty
2 of a lesser homicide, a second stage of the trial shall proceed
3 at which the only issue shall be the punishment to be assessed
4 and declared. No further evidence shall be received. If the
5 trier is a jury it shall be instructed on the law. The attorneys
6 may then argue as in other criminal cases the issue of
7 punishment, after which the trier shall assess and declare the
8 punishment as in all other criminal cases.

9 4. If the trier at the first stage of a trial where the
10 death penalty was not waived finds the defendant guilty of murder
11 in the first degree, a second stage of the trial shall proceed at
12 which the only issue shall be the punishment to be assessed and
13 declared. Evidence in aggravation and mitigation of punishment,
14 including but not limited to evidence supporting any of the
15 aggravating or mitigating circumstances listed in subsection 2 or
16 3 of section 565.032, may be presented subject to the rules of
17 evidence at criminal trials. Such evidence may include, within
18 the discretion of the court, evidence concerning the murder
19 victim and the impact of the crime upon the family of the victim
20 and others. Rebuttal and surrebuttal evidence may be presented.
21 The state shall be the first to proceed. If the trier is a jury
22 it shall be instructed on the law. The attorneys may then argue
23 the issue of punishment to the jury, and the state shall have the
24 right to open and close the argument. The trier shall assess and

1 declare the punishment at life imprisonment without eligibility
2 for probation, parole, or release except by act of the governor:

3 (1) If the trier finds by a preponderance of the evidence
4 that the defendant is mentally retarded; or

5 (2) If the trier does not find beyond a reasonable doubt at
6 least one of the statutory aggravating circumstances set out in
7 subsection 2 of section 565.032; or

8 (3) If the trier concludes that there is evidence in
9 mitigation of punishment, including but not limited to evidence
10 supporting the statutory mitigating circumstances listed in
11 subsection 3 of section 565.032, which is sufficient to outweigh
12 the evidence in aggravation of punishment found by the trier; or

13 (4) If the trier decides under all of the circumstances not
14 to assess and declare the punishment at death. If the trier is a
15 jury it shall be so instructed.

16 If the trier assesses and declares the punishment at death it
17 shall, in its findings or verdict, set out in writing the
18 aggravating circumstance or circumstances listed in subsection 2
19 of section 565.032 which it found beyond a reasonable doubt. If
20 the trier is a jury [it shall be instructed before the case is
21 submitted that if it] and is unable to decide or agree upon the
22 punishment the court shall assess and declare the punishment at
23 life imprisonment without eligibility for probation, parole, or

1 release except by act of the governor [or death]; and the jury
2 shall be accordingly instructed before the case is submitted.

3 The court shall follow the same procedure as set out in this
4 section whenever it is required to determine punishment for
5 murder in the first degree.

6 5. Upon written agreement of the parties and with leave of
7 the court, the issue of the defendant's mental retardation may be
8 taken up by the court and decided prior to trial without
9 prejudicing the defendant's right to have the issue submitted to
10 the trier of fact as provided in subsection 4 of this section.

11 6. As used in this section, the terms "mental retardation"
12 or "mentally retarded" refer to a condition involving substantial
13 limitations in general functioning characterized by significantly
14 subaverage intellectual functioning with continual extensive
15 related deficits and limitations in two or more adaptive
16 behaviors such as communication, self-care, home living, social
17 skills, community use, self-direction, health and safety,
18 functional academics, leisure and work, which conditions are
19 manifested and documented before eighteen years of age.

20 7. The provisions of this section shall only govern
21 [offenses committed] prosecutions commenced on or after August
22 28, [2001] 2002.

23 577.051. 1. A record of the [final] disposition in any
24 court proceeding involving a violation of any of the provisions

1 of sections 577.005 to 577.023, or violation of county or
2 municipal ordinances involving alcohol- or drug-related driving
3 offenses, [pleas of guilty, findings of guilty, suspended
4 imposition of sentence, suspended execution of sentence,
5 probation, conditional sentences and sentences of confinement]
6 shall be forwarded to the Missouri state highway patrol, or at
7 the written direction of the Missouri state highway patrol, to
8 the department of revenue, within fifteen days by the clerk of
9 the court in which the proceeding was held and shall be entered
10 by the highway patrol or department of revenue in the Missouri
11 uniform law enforcement system records. Dispositions that shall
12 be reported are pleas of guilty, findings of guilt, suspended
13 imposition of sentence, suspended execution of sentence,
14 probation, conditional sentences, sentences of confinement and
15 any other such dispositions that may be required under state or
16 federal regulations. The record forwarded by the clerk shall
17 clearly show the court, the court case number, the name, address,
18 and motor vehicle operator's or chauffeur's license number of the
19 person who is the subject of the proceeding, the code or number
20 identifying the particular arrest, and any court action or
21 requirements pertaining thereto.

22 2. All records received by the Missouri state highway
23 patrol or the department of revenue under the provisions of this
24 section shall be entered in the Missouri uniform law enforcement

1 system records and maintained by the Missouri state highway
2 patrol. Records placed in the Missouri uniform law enforcement
3 system under the provisions of this section shall be made
4 available to any law enforcement officer in this state, any
5 prosecuting or circuit attorney in this state, or to any judge of
6 a municipal or state court upon request.

7 3. Any person required by this section to furnish records
8 to the Missouri state highway patrol or department of revenue who
9 willfully refuses to furnish such records shall be guilty of a
10 class C misdemeanor.

11 4. Records required to be filed with the Missouri state
12 highway patrol or the department of revenue under the provisions
13 of sections 302.225, RSMo, and 577.001 to 577.051 shall be filed
14 beginning July 1, 1983, and no penalties for nonfiling of records
15 shall be applied prior to July 1, 1983.

16 5. Forms and procedures for filing of records with the
17 Missouri state highway patrol or department of revenue as
18 required in this chapter shall be promulgated by the director of
19 the department of public safety or department of revenue, as
20 applicable, and approved by the Missouri supreme court.

21 6. All record-keeping procedures required under the
22 provisions of sections 577.005 to 577.023 shall be in accordance
23 with this section, chapter 610, RSMo, to the contrary
24 notwithstanding.

1 595.045. 1. There is established in the state treasury the
2 "Crime Victims' Compensation Fund". A surcharge of seven dollars
3 and fifty cents shall be assessed as costs in each court
4 proceeding filed in any court in the state in all criminal cases
5 including violations of any county ordinance or any violation of
6 criminal or traffic laws of the state, including an infraction
7 and violation of a municipal ordinance; except that no such fee
8 shall be collected in any proceeding in any court when the
9 proceeding or the defendant has been dismissed by the court or
10 when costs are to be paid by the state, county, or municipality.
11 A surcharge of seven dollars and fifty cents shall be assessed as
12 costs in a juvenile court proceeding in which a child is found by
13 the court to come within the applicable provisions of subdivision
14 (3) of subsection 1 of section 211.031, RSMo.

15 2. Notwithstanding any other provision of law to the
16 contrary, the moneys collected by clerks of the courts pursuant
17 to the provisions of subsection 1 of this section shall be
18 collected and disbursed in accordance with sections 488.010 to
19 488.020, RSMo, and shall be payable to the director of the
20 department of revenue.

21 3. The director of revenue shall deposit annually the
22 amount of two hundred fifty thousand dollars to the state
23 forensic laboratory account administered by the department of
24 public safety to provide financial assistance to defray expenses

1 of crime laboratories if such analytical laboratories are
2 registered with the federal Drug Enforcement Agency or the
3 Missouri department of health and senior services. Subject to
4 appropriations made therefor, such funds shall be distributed by
5 the department of public safety to the crime laboratories serving
6 the courts of this state making analysis of a controlled
7 substance or analysis of blood, breath or urine in relation to a
8 court proceeding.

9 4. The remaining funds collected under subsection 1 of this
10 section shall be denoted to the payment of an annual
11 appropriation for the administrative and operational costs of the
12 office for victims of crime and, if a statewide automated crime
13 victim notification system is established pursuant to section
14 650.310, RSMo, to the monthly payment of expenditures actually
15 incurred in the operation of such system. Additional remaining
16 funds shall be subject to the following provisions:

17 (1) On the first of every month, the director of revenue or
18 the director's designee shall determine the balance of the funds
19 in the crime victims' compensation fund available to satisfy the
20 amount of compensation payable pursuant to sections 595.010 to
21 595.075, excluding sections 595.050 and 595.055;

22 (2) Beginning on October 1, 1996, and on the first of each
23 month, if the balance of the funds available exceeds one million
24 dollars plus one hundred percent of the previous twelve months'

1 actual expenditures, excluding the immediate past calendar
2 month's expenditures, paid pursuant to sections 595.010 to
3 595.075, excluding sections 595.050 and 595.055, then the
4 director of revenue or the director's designee shall deposit
5 fifty percent to the credit of the crime victims' compensation
6 fund and fifty percent to the services to victims' fund
7 established in section 595.100;

8 (3) Beginning on October 1, 1996, and on the first of each
9 month, if the balance of the funds available is less than one
10 million dollars plus one hundred percent of the previous twelve
11 months' actual expenditures, excluding the immediate past
12 calendar month's expenditures, paid pursuant to sections 595.010
13 to 595.075, excluding sections 595.050 and 595.055, then the
14 director of revenue or the director's designee shall deposit
15 seventy-five percent to the credit of the crime victims'
16 compensation fund and twenty-five percent to the services to
17 victims' fund established in section 595.100.

18 5. The director of revenue or such director's designee
19 shall at least monthly report the moneys paid pursuant to this
20 section into the crime victims' compensation fund and the
21 services to victims fund to the division of workers' compensation
22 and the department of public safety, respectively.

23 6. The moneys collected by clerks of municipal courts
24 pursuant to subsection 1 of this section shall be collected and

1 disbursed as provided by sections 488.010 to 488.020, RSMo. Five
2 percent of such moneys shall be payable to the city treasury of
3 the city from which such funds were collected. The remaining
4 ninety-five percent of such moneys shall be payable to the
5 director of revenue. The funds received by the director of
6 revenue pursuant to this subsection shall be distributed as
7 follows:

8 (1) On the first of every month, the director of revenue or
9 the director's designee shall determine the balance of the funds
10 in the crime victims' compensation fund available to satisfy the
11 amount of compensation payable pursuant to sections 595.010 to
12 595.075, excluding sections 595.050 and 595.055;

13 (2) Beginning on October 1, 1996, and on the first of each
14 month, if the balance of the funds available exceeds one million
15 dollars plus one hundred percent of the previous twelve months'
16 actual expenditures, excluding the immediate past calendar
17 month's expenditures, paid pursuant to sections 595.010 to
18 595.075, excluding sections 595.050 and 595.055, then the
19 director of revenue or the director's designee shall deposit
20 fifty percent to the credit of the crime victims' compensation
21 fund and fifty percent to the services to victims' fund
22 established in section 595.100;

23 (3) Beginning on October 1, 1996, and on the first of each
24 month, if the balance of the funds available is less than one

1 million dollars plus one hundred percent of the previous twelve
2 months' actual expenditures, excluding the immediate past
3 calendar month's expenditures, paid pursuant to sections 595.010
4 to 595.075, excluding sections 595.050 and 595.055, then the
5 director of revenue or the director's designee shall deposit
6 seventy-five percent to the credit of the crime victims'
7 compensation fund and twenty-five percent to the services to
8 victims' fund established in section 595.100.

9 7. These funds shall be subject to a biennial audit by the
10 Missouri state auditor. Such audit shall include all records
11 associated with crime victims' compensation funds collected, held
12 or disbursed by any state agency.

13 8. In addition to the moneys collected pursuant to
14 subsection 1 of this section, the court shall enter a judgment in
15 favor of the state of Missouri, payable to the crime victims'
16 compensation fund, of sixty-eight dollars [if the conviction is]
17 upon a plea of guilty or finding of guilt for a class A or B
18 felony; forty-six dollars [if the conviction is] upon a plea of
19 guilty or finding of guilt for a class C or D felony; and ten
20 dollars [if the conviction is] upon a plea of guilty or finding
21 of guilt for any misdemeanor under [the following] Missouri
22 [laws:

- 23 (1) Chapter 195, RSMo, relating to drug regulations;
24 (2) Chapter 311, RSMo, but relating only to felony

1 violations of this chapter committed by persons not duly licensed
2 by the supervisor of liquor control;

3 (3) Chapter 491, RSMo, relating to witnesses;

4 (4) Chapter 565, RSMo, relating to offenses against the
5 person;

6 (5) Chapter 566, RSMo, relating to sexual offenses;

7 (6) Chapter 567, RSMo, relating to prostitution;

8 (7) Chapter 568, RSMo, relating to offenses against the
9 family;

10 (8) Chapter 569, RSMo, relating to robbery, arson, burglary
11 and related offenses;

12 (9) Chapter 570, RSMo, relating to stealing and related
13 offenses;

14 (10) Chapter 571, RSMo, relating to weapons offenses;

15 (11) Chapter 572, RSMo, relating to gambling;

16 (12) Chapter 573, RSMo, relating to pornography and related
17 offenses;

18 (13) Chapter 574, RSMo, relating to offenses against public
19 order;

20 (14) Chapter 575, RSMo, relating to offenses against the
21 administration of justice;

22 (15) Chapter 577, RSMo, relating to public safety offenses]
23 law except for those in chapter 252, RSMo, relating to fish and
24 game, chapter 302, RSMo, relating to drivers' and commercial

1 drivers' licensing, chapter 303, RSMo, relating to motor vehicle
2 financial responsibility, chapter 304, RSMo, relating to traffic
3 regulations, chapter 306, RSMo, relating to watercraft regulation
4 and licensing, and chapter 307, RSMo, relating to vehicle
5 equipment regulations. Any clerk of the court receiving moneys
6 pursuant to such judgments shall collect and disburse such crime
7 victims' compensation judgments in the manner provided by
8 sections 488.010 to 488.020, RSMo. Such funds shall be payable
9 to the state treasury and deposited to the credit of the crime
10 victims' compensation fund.

11 9. [The clerk of the court processing such funds shall
12 maintain records of all dispositions described in subsection 1 of
13 this section and all dispositions where a judgment has been
14 entered against a defendant in favor of the state of Missouri in
15 accordance with this section; all payments made on judgments for
16 alcohol-related traffic offenses; and any judgment or portion of
17 a judgment entered but not collected. These records shall be
18 subject to audit by the state auditor. The clerk of each court
19 transmitting such funds shall report separately the amount of
20 dollars collected on judgments entered for alcohol-related
21 traffic offenses from other crime victims' compensation
22 collections or services to victims collections.

23 10. The clerks of the court shall report all delinquent
24 payments to the department of revenue by October first of each

1 year for the preceding fiscal year, and such sums may be withheld
2 pursuant to subsection 15 of this section.

3 11.] The department of revenue shall maintain records of
4 funds transmitted to the crime victims' compensation fund by each
5 reporting court and collections pursuant to subsection [18] 15 of
6 this section and shall maintain separate records of collection
7 for alcohol-related offenses.

8 [12. Notwithstanding any other provision of law to the
9 contrary, the provisions of subsections 9 and 10 of this section
10 shall expire and be of no force and effect upon the effective
11 date of the supreme court rule adopted pursuant to sections
12 488.010 to 488.020, RSMo.

13 13.] 10. The state courts administrator shall include in
14 the annual report required by section 476.350, RSMo, the circuit
15 court caseloads and the number of crime victims' compensation
16 judgments entered.

17 [14.] 11. All awards made to injured victims under sections
18 595.010 to 595.105 and all appropriations for administration of
19 sections 595.010 to 595.105, except sections 595.050 and 595.055,
20 shall be made from the crime victims' compensation fund. Any
21 unexpended balance remaining in the crime victims' compensation
22 fund at the end of each biennium shall not be subject to the
23 provision of section 33.080, RSMo, requiring the transfer of such
24 unexpended balance to the ordinary revenue fund of the state, but

1 shall remain in the crime victims' compensation fund. In the
2 event that there are insufficient funds in the crime victims'
3 compensation fund to pay all claims in full, all claims shall be
4 paid on a pro rata basis. If there are no funds in the crime
5 victims' compensation fund, then no claim shall be paid until
6 funds have again accumulated in the crime victims' compensation
7 fund. When sufficient funds become available from the fund,
8 awards which have not been paid shall be paid in chronological
9 order with the oldest paid first. In the event an award was to
10 be paid in installments and some remaining installments have not
11 been paid due to a lack of funds, then when funds do become
12 available that award shall be paid in full. All such awards on
13 which installments remain due shall be paid in full in
14 chronological order before any other postdated award shall be
15 paid. Any award pursuant to this subsection is specifically not
16 a claim against the state, if it cannot be paid due to a lack of
17 funds in the crime victims' compensation fund.

18 [15.] 12. When judgment is entered against a defendant as
19 provided in this section and such sum, or any part thereof,
20 remains unpaid, there shall be withheld from any disbursement,
21 payment, benefit, compensation, salary, or other transfer of
22 money from the state of Missouri to such defendant an amount
23 equal to the unpaid amount of such judgment. Such amount shall
24 be paid forthwith to the crime victims' compensation fund and

1 satisfaction of such judgment shall be entered on the court
2 record. Under no circumstances shall the general revenue fund be
3 used to reimburse court costs or pay for such judgment. The
4 director of the department of corrections shall have the
5 authority to pay into the crime victims' compensation fund from
6 an offender's compensation or account the amount owed by the
7 offender to the crime victims' compensation fund, provided that
8 the offender has failed to pay the amount owed to the fund prior
9 to entering a correctional facility of the department of
10 corrections.

11 [16.] 13. All interest earned as a result of investing
12 funds in the crime victims' compensation fund shall be paid into
13 the crime victims' compensation fund and not into the general
14 revenue of this state.

15 [17.] 14. Any person who knowingly makes a fraudulent claim
16 or false statement in connection with any claim hereunder is
17 guilty of a class A misdemeanor.

18 [18.] 15. Any gifts, contributions, grants or federal funds
19 specifically given to the division for the benefit of victims of
20 crime shall be credited to the crime victims' compensation fund.
21 Payment or expenditure of moneys in such funds shall comply with
22 any applicable federal crime victims' compensation laws, rules,
23 regulations or other applicable federal guidelines.

24 Section 1. (1) Upon an individual's failure to pay court

1 costs, fines, fees, or other sums ordered by a court as payable
2 to the state, a court may report any such delinquencies in excess
3 of twenty-five dollars to the office of state courts
4 administrator and request that the state courts administrator
5 seek a setoff of an income tax refund.

6 (2) The office of state courts administrator shall provide
7 the department of revenue with the information necessary to
8 identify each debtor whose refund is sought to be setoff and the
9 amount of the debt or debts owed by each such debtor who is
10 entitled to a refund in excess of twenty-five dollars.

11 (3) The department of revenue shall notify the office of
12 state courts administrator that a refund has been setoff on
13 behalf of a court and shall certify the amount of such setoff,
14 which shall not exceed the amount of the claimed debt certified.
15 When the refund owed exceeds the claimed debt, the department of
16 revenue shall send the excess amount to the debtor within a
17 reasonable time after such excess is determined.

18 (4) The department of revenue shall notify the debtor by
19 mail that a setoff has been sought. The notice shall contain the
20 following:

21 (a) The name of the debtor;

22 (b) The manner in which the debt arose;

23 (c) The amount of the claimed debt and the department's
24 intention to setoff the refund against the debt;

1 (d) The amount, if any, of the refund due after setoff of
2 the refund against the debt; and

3 (e) The right of the debtor to apply in writing to the
4 court originally requesting setoff for review of the setoff
5 because the debt was previously satisfied.

6 Any debtor applying to the court for review of the setoff must
7 file a written application within thirty days of the date of
8 mailing of the notice and send a copy of the application to the
9 office of state courts administrator. The application for review
10 of the setoff shall contain the name of the debtor, the case name
11 and number from which the debt arose, and the grounds for review.

12 The court may upon application, or on its own motion, hold a
13 hearing on the application. The hearing shall be ancillary to
14 the original action with the only matter for determination
15 whether the refund setoff was appropriate because the debt was
16 unsatisfied at the time the court reported the delinquency to the
17 office of state courts administrator and that the debt remains
18 unsatisfied. In the case of a joint or combined return, the
19 notice sent by the department shall contain the name of the
20 nonobligated taxpayer named in the return, if any, against whom
21 no debt is claimed. The notice shall state that as to the
22 nonobligated taxpayer that no debt is owed and that the taxpayer
23 is entitled to a refund regardless of the debt owed by such other

1 person or persons named on the joint or combined return. The
2 nonobligated taxpayer may seek a refund as provided in section
3 143.784, RSMo.

4 (5) Upon receipt of funds transferred from the department
5 of revenue to the office of state courts administrator pursuant
6 to a refund setoff, the state courts administrator shall deposit
7 such funds in the state treasury to be held in an escrow account,
8 which is hereby established. Interest earned on those funds
9 shall be credited to the escrow account and used to offset
10 administrative expenses. If a debtor files with a court an
11 application for review, the state courts administrator shall hold
12 such sums in question until directed by such court to release the
13 funds. If no application for review is filed, the state courts
14 administrator shall, within forty-five days of receipt of funds
15 from the department, send to the clerk of the court in which the
16 debt arose such sums as are collected by the department of
17 revenue for credit to the debtor's account.

18 Section 2. The official conducting the court-issued warrant
19 check pursuant to section 221.510, RSMo, shall contact the
20 issuing jurisdiction within twenty-four hours of the check. The
21 issuing jurisdiction, if within the state of Missouri, shall
22 acknowledge notification within twenty-four hours and remove the
23 prisoner within forty-eight hours of notification. Failure to
24 pick up the prisoner within forty-eight hours of notification may

1 result in the prisoner's release by the holding institution, and
2 shall result in a billing to the issuing authority by the holding
3 authority for each day following notification that the prisoner
4 is held on the detainer at a rate not to exceed three times the
5 prisoner's actual per diem cost to confine. The issuing
6 authority shall be responsible for making such payment within
7 thirty days.

8 [57.290. 1. Sheriffs, county marshals
9 or other officers shall be allowed a charge
10 for their services rendered in criminal cases
11 and in all proceedings for contempt or
12 attachment, as required by law, the sum of
13 seventy-five dollars for each felony case or
14 contempt or attachment proceeding, ten
15 dollars for each misdemeanor case, and six
16 dollars for each infraction, excluding cases
17 disposed of by a traffic violations bureau
18 established pursuant to law or supreme court
19 rule. Such charges shall be charged and
20 collected in the manner provided by sections
21 488.010 to 488.020, RSMo, and shall be
22 payable to the county treasury.

23 2. The sheriff receiving any charge
24 pursuant to subsection 1 of this section
25 shall reimburse the sheriff of any other
26 county or the city of St. Louis the sum of
27 three dollars for each pleading, writ,
28 summons, order of court or other document
29 served in connection with the case or
30 proceeding by the sheriff of the other county
31 or city, and return made thereof, to the
32 maximum amount of the total charge received
33 pursuant to subsection 1 of this section.

34 3. In cities and counties having a
35 population of three hundred thousand
36 inhabitants and over, each deputy sheriff,
37 not more than two, shall be allowed for each
38 day during the term of court six dollars, to
39 be paid by the city or county of three
40 hundred thousand inhabitants or over.

41 4. For the services of taking convicted

1 offenders to the reception and diagnostic
2 center designated by the director of the
3 department of corrections, the sheriff,
4 county marshal or other officers shall
5 receive the sum of eight dollars per day for
6 the time actually and necessarily employed in
7 traveling to and from the reception and
8 diagnostic center, and each guard shall
9 receive the sum of six dollars per day for
10 the same, and the sheriff, county marshal or
11 other officer and guard shall receive the
12 mileage rate prescribed by this section for
13 the distance necessarily traveled in going to
14 and returning from the reception and
15 diagnostic center, the time and distance to
16 be estimated by the most usually traveled
17 route from the place of departure to the
18 reception and diagnostic center; the mileage
19 rate prescribed by this section for each mile
20 traveled shall be allowed to the sheriff to
21 cover all expenses on each convicted offender
22 while being taken to the reception and
23 diagnostic center; and all persons convicted
24 and sentenced to imprisonment in the
25 department of corrections at any term or
26 sitting of the court, shall be taken to the
27 reception and diagnostic center at the same
28 time, unless prevented by sickness or
29 unavoidable accident. In cities having a
30 population of two hundred thousand
31 inhabitants or more, convicted offenders
32 shall be taken to the reception and
33 diagnostic center as often as the sheriff
34 deems necessary. When three or more
35 convicted offenders are being taken to the
36 reception and diagnostic center at one time,
37 a guard may be employed, but no guard shall
38 be employed for a less number of convicted
39 offenders except upon the order, entered of
40 record, of the judge of the court in which
41 the conviction was had, and any additional
42 guards employed by order of the judge shall,
43 in no event, exceed one for every three
44 convicted offenders; and before any claim for
45 taking convicted offenders to the reception
46 and diagnostic center is allowed, the
47 sheriff, or other officer conveying such
48 convicted offender, shall file with the state

1 commissioner of administration an itemized
2 statement of such sheriff's account, in which
3 the sheriff shall give the name of each
4 convicted offender conveyed and the name of
5 each guard actually employed, with the number
6 of miles necessarily traveled and the number
7 of days required, which in no case shall
8 exceed three days, and which account shall be
9 signed and sworn to by such officer and
10 accompanied by a certificate from the chief
11 administrative officer or such officer's
12 designee of the reception and diagnostic
13 center, that such convicted offenders have
14 been delivered at the reception and
15 diagnostic center and were accompanied by
16 each of the officers and guards named in the
17 account.

18 5. The sheriff or other officer who
19 shall take a person, charged with a criminal
20 offense, from the county in which the
21 offender is apprehended to that in which the
22 offense was committed, or who may remove a
23 prisoner from one county to another for any
24 cause authorized by law, or who shall have in
25 custody or under such sheriff's or officer's
26 charge any person undergoing an examination
27 preparatory to such person's commitment more
28 than one day for transporting, safekeeping
29 and maintaining any such person, shall be
30 allowed by the court having cognizance of the
31 offense, three dollars and fifty cents per
32 day for every day such sheriff or officer may
33 have such person under such sheriff's or
34 officer's charge, when the number of days
35 shall exceed one, and the mileage rate
36 prescribed by this section for every mile
37 necessarily traveled in going to and
38 returning from one county to another, and the
39 guard employed, who shall in no event exceed
40 the number allowed the sheriff, marshal or
41 other officer in transporting convicted
42 offenders to the reception and diagnostic
43 center, shall be allowed the same
44 compensation as the officer. Three dollars
45 and fifty cents per day, mileage same as
46 officer, shall be allowed for board and all
47 other expenses of each prisoner. No
48 compensation shall be allowed under this

1 section for taking the prisoner or prisoners
2 from one place to another in the same county,
3 excepting in counties which have two or more
4 courts with general criminal jurisdiction.
5 In such counties the sheriff shall have the
6 same fees for conveying prisoners from the
7 jail to place of trial as are allowed for
8 conveying prisoners in like cases from one
9 county to another, and the expenses incurred
10 in transporting prisoners from one county to
11 another, occasioned by the insufficiency of
12 the county jail or threatened mob violence,
13 shall be paid by the county in which such
14 case may have originated; provided that the
15 court is held at a place more than five miles
16 from the jail; and no court shall allow the
17 expense of a guard, although it may have
18 actually been incurred, unless from the
19 evidence of disinterested persons it shall be
20 satisfied that a guard was necessary;
21 provided, that when the place of conviction
22 is remote from a railroad, upon which a
23 convicted offender may be transported to the
24 reception and diagnostic center, the court
25 before which such convicted offender is
26 sentenced may, for good cause shown, allow
27 one guard for every two convicted offenders,
28 such guard to receive three dollars a day and
29 the mileage rate prescribed by this section
30 for every mile necessarily traveled in going
31 to and returning from the nearest depot on
32 said railroad to the place where such
33 convicted offender was sentenced.

34 6. The charges provided in subsection 1
35 of this section shall be taxed as other costs
36 in criminal procedure immediately after
37 conviction of any defendant in any criminal
38 procedure. The clerk shall tax all the costs
39 in the case against such defendant, which
40 shall be collected and disbursed as provided
41 by sections 488.010 to 488.020, RSMo;
42 provided, that no such charge shall be
43 collected in any proceeding in any court when
44 the proceeding or the defendant has been
45 dismissed by the court; provided further,
46 that all costs, incident to the issuing and
47 serving of writs of scire facias and of writs
48 of fieri facias, and of attachments for

1 witnesses of defendant, shall in no case be
2 paid by the state, but such costs incurred
3 under writs of fieri facias and scire facias
4 shall be paid by the defendant and such
5 defendant's sureties, and costs for
6 attachments for witnesses shall be paid by
7 such witnesses.

8 7. Mileage shall be reimbursed to
9 sheriffs, county marshals and guards for all
10 services rendered pursuant to this section at
11 the rate prescribed by the Internal Revenue
12 Service for allowable expenses for motor
13 vehicle use expressed as an amount per mile.]

14 [67.133. 1. A fee of ten dollars shall
15 be assessed in all cases in which the
16 defendant is convicted of a nonfelony
17 violation of any provision of chapters 252,
18 301, 302, 304, 306, 307 and 390, RSMo, and
19 any infraction otherwise provided by law,
20 twenty-five dollars in all misdemeanor cases
21 otherwise provided by law, and seventy-five
22 dollars in all felony cases, in criminal
23 cases including violations of any county
24 ordinance or any violation of a criminal or
25 traffic law of the state, except that no such
26 fees shall be collected in any proceeding in
27 any court when the proceeding or the
28 defendant has been dismissed by the court or
29 when costs are to be paid by the state,
30 county or municipality. All fees collected
31 under the provisions of this section shall be
32 collected and disbursed in the manner
33 provided by sections 488.010 to 488.020,
34 RSMo, and payable to the county treasurer who
35 shall deposit those funds in the county
36 treasury.

37 2. Counties shall be entitled to a
38 judgment in the amount of twenty-five percent
39 of all sums collected on recognizances given
40 to the state in criminal cases, which are or
41 may become forfeited, if not more than five
42 hundred dollars, and fifteen percent of all
43 sums over five hundred dollars, to be paid
44 out of the amount collected.]

45 [517.141. On demand of any person
46 interested therein, whether by assignment or

1 otherwise, every clerk or officer who shall
2 be in possession of the record of judgment
3 shall give to such person a certified
4 transcript of such judgment. Upon production
5 of any such transcript, the clerk of the
6 circuit court of the county in which the
7 judgment was rendered shall record the same
8 in his permanent record of circuit court
9 judgments, and note therein the date and hour
10 of its filing.]