

SECOND REGULAR SESSION

HOUSE BILL NO. 1500

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MAYER (Sponsor), LIPKE, BEHNEN, BLACK, KINGERY,
BEAN AND KELLY (36) (Co-sponsors).

Read 1st time February 17, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4392L.011

AN ACT

To repeal section 488.5336, RSMo, and to enact in lieu thereof one new section relating to court costs.

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

Section A. Section 488.5336, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 488.5336, to read as follows:

488.5336. 1. A surcharge of [two] **three** dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. Without regard to whether the aforementioned surcharge is assessed, a surcharge

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

17 in the amount of [one dollar] **two dollars** shall be assessed as provided in this section, and shall
18 be collected and disbursed as provided in sections 488.010 to 488.020 and payable to the state
19 treasury to the credit of the peace officer standards and training commission fund created in
20 section 590.178, RSMo. Such surcharges shall be in addition to the court costs and fees and
21 limits on such court costs and fees established by section 66.110, RSMo, and section 479.260,
22 RSMo.

23 2. Each county and municipality shall use all funds received under this section only to
24 pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the
25 training of county coroners and their deputies provided that any excess funds not allocated to pay
26 for such training may be used to pay for additional training of peace officers or for training of
27 other law enforcement personnel employed or appointed by the county or municipality **and**
28 **deposit all funds in a special law enforcement training account.** No county or municipality
29 shall retain more than [one] **three** thousand five hundred dollars of such funds for each certified
30 law enforcement officer, candidate for certification employed by that agency or a coroner and
31 the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue
32 fund of the county or municipality treasury which assessed the costs. **If a municipality or**
33 **county supplants the funds identified in this section in any way, or reduces the municipal**
34 **funding due to the existence of these funds, prohibits the lawful use of these funds, or**
35 **transfers the minimum retailed balance per person to the municipal or county general**
36 **revenue the political subdivision shall reinstate all funds declared supplanted after a**
37 **finding by the attorney general's office. The attorney general shall investigate all alleged**
38 **acts of supplanting of this fund.**