

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 424
97TH GENERAL ASSEMBLY

1291L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 57.010, 57.104, 57.955, and 488.024, RSMo, and to enact in lieu thereof five new sections relating to sheriffs.

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

Section A. Sections 57.010, 57.104, 57.955, and 488.024, RSMo, are repealed and five
2 new sections enacted in lieu thereof, to be known as sections 57.955, 57.010, 57.104, 488.024,
3 and 488.2230, to read as follows:

57.010. 1. At the general election to be held in 1948, and at each general election held
2 every four years thereafter, the voters in every county in this state shall elect some suitable
3 person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a
4 felony. Such person shall be a resident taxpayer and elector of said county, shall have resided
5 in said county for more than one whole year next before filing for said office and shall be a
6 person capable of efficient law enforcement. When any person shall be elected sheriff, such
7 person shall enter upon the discharge of the duties of such person's office as chief law
8 enforcement officer of that county on the first day of January next succeeding said election.

9 2. [Beginning January 1, 2003, any] **No person shall be eligible for the office of sheriff**
10 who does not hold a valid peace officer license pursuant to chapter 590 [shall refrain from
11 personally executing any of the police powers of the office of sheriff, including but not limited
12 to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation.
13 Nothing in this section shall prevent any sheriff from administering the execution of police
14 powers through duly commissioned deputy sheriffs]. **Any person filing for the office of sheriff**
15 **shall have a valid peace officer license at the time of filing for office.** This subsection shall
16 not apply]:

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 **bold-face** type in the above bill is proposed language.

17 (1) During the first twelve months of the first term of office of any sheriff who is eligible
18 to become licensed as a peace officer and who intends to become so licensed within twelve
19 months after taking office, except this subdivision shall not be effective beginning January 1,
20 2010; or

21 (2)] to the sheriff of any county of the first classification with a charter form of
22 government with a population over nine hundred thousand **or of any city not within a county.**

57.104. 1. The sheriff of any county [of the first classification not having a charter form
2 of government] may employ an attorney at law to aid and advise him in the discharge of his
3 duties and to represent him in court. The sheriff shall set the compensation for an attorney hired
4 pursuant to this section within the allocation made by the county commission to the sheriff's
5 department for compensation of employees to be paid out of the general revenue fund of the
6 county.

7 2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be
8 employed at the pleasure of the sheriff.

57.955. 1. There shall be assessed and collected a surcharge of [three] **two** dollars in all
2 civil actions filed in the courts of this state and in all criminal cases including violation of any
3 county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including
4 infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when
5 the costs are waived or are to be paid by the state, county or municipality or when a criminal
6 proceeding or the defendant has been dismissed by the court. For purposes of this section, the
7 term "county ordinance" shall not include any ordinance of the city of St. Louis. The clerk
8 responsible for collecting court costs in civil and criminal cases, shall collect and disburse such
9 amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the sheriffs'
10 retirement fund. Moneys credited to the sheriffs' retirement fund shall be used only for the
11 purposes provided for in sections 57.949 to 57.997 and for no other purpose.

12 2. The board may accept gifts, donations, grants and bequests from public or private
13 sources to the sheriffs' retirement fund.

488.024. As provided by [section 57.955] **sections 57.949 to 57.997**, there shall be
2 assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of
3 this state and in all criminal cases including violation of any county **or municipal** ordinance or
4 any violation of criminal or traffic laws of this state, including infractions **and municipal**
5 **ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are
6 to be paid by the state, county or municipality or when a criminal proceeding or the defendant
7 has been dismissed by the court. For purposes of this section, the term "county ordinance" shall
8 not include any ordinance of the City of St. Louis. The clerk responsible for collecting court

9 costs in civil and criminal cases shall collect and disburse such amounts as provided by sections
10 488.010 to 488.020. Such funds shall be payable to the sheriffs' retirement fund.

**488.2230. 1. In addition to all other court costs for municipal ordinance violations,
2 any home rule city with more than four hundred thousand inhabitants and located in more
3 than one county may provide for additional court costs in an amount up to seven dollars
4 per case for each municipal ordinance violation case, except that no such additional cost
5 shall be collected in any proceeding involving a violation of an ordinance when the
6 proceeding or defendant has been dismissed by the court.**

7 **2. The judge may waive the assessment of the cost in those cases where the
8 defendant is found by the judge to be indigent and unable to pay the costs.**

9 **3. Such cost shall be calculated by the clerk and disbursed to the city at least
10 monthly. The city shall use such additional costs exclusively to fund special mental health,
11 drug, and veterans courts, including indigent defense and ancillary services associated with
12 such specialized courts.**

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