

HCS SS SB 245 -- LEGAL FEES

SPONSOR: Justus (Cox)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 6 to 2.

Currently, a \$3 court surcharge in all civil and criminal cases, including cases for a violation of county ordinances is collected and paid to the Sheriff's Retirement Fund. This substitute changes the amount collected from \$3 to \$2 and allows the surcharge to be collected for violations of municipal ordinances as well.

Currently, when a legal aid society, legal services, or a nonprofit organization represents an indigent party in a civil case, the court costs and expenses are waived without motion and court approval, provided the organization has already determined the party is unable to pay the expenses and filed the determination with the court. The substitute adds law school clinics to the list of organizations that may waive court expenses without filing a motion with the court.

PROPONENTS: Supporters say that the bill allows law school legal clinics that provide legal services for indigent clients to waive certain court costs without having to go through the time or expense of filing a motion with the court or the delay associated with awaiting a ruling on a motion. These clinics provide access to the court for the indigent and help train incoming members of the bar.

Testifying for the bill were Senator Justus; John Hammond, St. Louis University School of Law; Mae Quinn, Washington University School of Law; The Missouri Bar; and University of Missouri.

OPPONENTS: There was no opposition voiced to the committee.