

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 621**  
**97TH GENERAL ASSEMBLY**

4246H.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 56.110, 56.807, 67.320, 408.040, 476.001, 476.320, 476.330, 476.340, 478.240, 478.610, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, and to enact in lieu thereof twenty-six new sections relating to judicial procedures, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 56.110, 56.807, 67.320, 408.040, 476.001, 476.320, 476.330, 2 476.340, 478.240, 478.610, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 3 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, are repealed and twenty-six 4 new sections enacted in lieu thereof, to be known as sections 21.880, 43.675, 56.110, 56.807, 5 67.320, 408.040, 475.072, 476.001, 476.320, 476.330, 476.340, 478.240, 478.610, 488.026, 6 488.305, 488.2206, 525.040, 525.070, 525.080, 525.230, 525.310, 542.375, 632.480, 632.483, 7 632.484, and 650.120, to read as follows:

**21.880. 1. There is hereby established a permanent joint committee of the general**  
2 **assembly, which shall be known as the "Joint Committee on Judiciary and Justice" and**  
3 **shall be composed of the following members:**  
4       **(1) The chairs of the senate and house committees on the judiciary;**  
5       **(2) The ranking minority members of the senate and house committees on the**  
6 **judiciary;**  
7       **(3) Two members of the senate appointed by the president pro tempore of the**  
8 **senate, one of whom shall be a member of the senate committee on appropriations;**  
9       **(4) The chair of the house committee with jurisdiction over matters relating to**  
10 **criminal laws, law enforcement, and public safety;**

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.

11           **(5) The chair of the house committee with jurisdiction over matters relating to state**  
12 **correctional institutions;**

13           **(6) A member of the senate appointed by the minority floor leader of the senate;**

14           **(7) A member of the house of representatives appointed by the minority floor leader**  
15 **of the house of representatives;**

16           **(8) Three nonvoting ex officio members who shall be the chief justice of the**  
17 **Missouri supreme court, the state auditor, and the attorney general, or their designees.**

18           **2. No more than three members from each house shall be of the same political**  
19 **party. The appointment of members shall continue during their term of office as members**  
20 **of the general assembly or until a successor has been duly appointed to fill their place when**  
21 **their term of office as members of the general assembly has expired.**

22           **3. The joint committee shall meet within thirty days after its creation and organize**  
23 **by selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one**  
24 **of whom shall be the house judiciary chair. The positions of chair and vice chair shall**  
25 **alternate every two years thereafter between the senate and house. After its organization,**  
26 **the committee shall meet regularly, at least twice a year, at such time and place as the chair**  
27 **designates, including locations other than Jefferson City. A majority of the members of the**  
28 **committee shall constitute a quorum, but the concurrence of a majority of the members,**  
29 **other than the ex officio members, shall be required for the determination of any matter**  
30 **within the committee's duties.**

31           **4. In order to promote the effective administration of justice and public safety, it**  
32 **shall be the duty of the joint committee to:**

33           **(1) Review and monitor:**

34           **(a) The state's justice system;**

35           **(b) The state's criminal laws, law enforcement, and public safety;**

36           **(c) The state's correctional institutions and penal and correctional issues; and**

37           **(d) All state government efforts related to terrorism, bioterrorism, and homeland**  
38 **security;**

39           **(2) Receive reports from the judicial branch, state or local government agencies or**  
40 **departments, and any entities attached to them for administrative purposes;**

41           **(3) Conduct an ongoing study and analysis of the state's justice system and related**  
42 **issues;**

43           **(4) Determine the need for changes in statutory law, rules, policies, or procedures;**

44           **(5) Make any recommendations to the general assembly for legislative action; and**

45           **(6) Perform other duties authorized by concurrent resolution of the general**  
46 **assembly.**

47           **5. By January 15, 2016, and every year thereafter, it shall be the duty of the joint**  
48 **committee to file with the general assembly a report of its activities, along with any findings**  
49 **or recommendations the committee may have for legislative action.**

50           **6. The joint committee shall establish a permanent subcommittee on the Missouri**  
51 **criminal code, which shall conduct and supervise a continuing program of revision**  
52 **designed to maintain the cohesiveness, consistency, and effectiveness of the criminal laws**  
53 **of the state. In connection with this program, the committee may select an advisory**  
54 **committee on the Missouri criminal code, composed of a representative of the Missouri**  
55 **supreme court, a representative of the office of the attorney general, and other individuals**  
56 **known to be interested in the improvement of the state's criminal laws, and may authorize**  
57 **the payment of any actual and necessary expenses incurred by such members while**  
58 **attending meetings with the committee or the subcommittee on the Missouri criminal code.**  
59 **The subcommittee on the Missouri criminal code shall present to the general assembly in**  
60 **each tenth year such criminal code revision bills as it finds appropriate to accomplish its**  
61 **purpose.**

62           **7. The joint committee may make reasonable requests for staff assistance from the**  
63 **research and appropriations staffs of the senate and house and the joint committee on**  
64 **legislative research, and may employ such personnel as it deems necessary to carry out the**  
65 **duties imposed by this section, within the limits of any appropriation for such purpose. All**  
66 **branches of government and state departments, agencies, boards, commissions and offices**  
67 **shall cooperate with and assist the joint committee in the performance of its duties and**  
68 **shall make available all information requested. The committee shall have the power to**  
69 **subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the**  
70 **giving of testimony and the production of records.**

71           **8. The members of the committee shall serve without compensation, but any actual and**  
72 **necessary expenses incurred in the performance of the committee's official duties by the**  
73 **joint committee, its members, and any staff assigned to the committee shall be paid from**  
74 **the joint contingent fund.**

**43.675. 1. As used in this section the following terms shall mean:**

2           **(1) "Criminal justice agency", courts or a governmental agency or any subunit**  
3 **thereof that performs the administration of criminal justice pursuant to a statute or**  
4 **executive order and that allocates a substantial part of its annual budget to the**  
5 **administration of criminal justice including state and federal inspector general offices;**

6           **(2) "Regional Justice Information Service (REJIS)", a governmental agency**  
7 **created by the enactment of dual ordinances of a city not within a county and a county with**  
8 **a charter form of government and with more than nine hundred fifty thousand inhabitants**

9 pursuant to the provisions of section 70.210 for the administration of criminal justice,  
10 which provides support to any political subdivision requiring technological assistance with  
11 collecting, storing, and disseminating criminal history record information.

12 2. The Regional Justice Information Service (REJIS) is hereby designated a  
13 "Criminal Justice Agency" for purposes of 28 CFR 20 and shall have all the powers  
14 necessary to carry out its purposes including, but not limited to, the power to:

15 (1) Facilitate criminal identification activities and collect, store, and disseminate  
16 criminal history record information throughout the state of Missouri;

17 (2) Provide criminal history and related criminal justice support to political  
18 subdivisions and other authorized entities; and

19 (3) Perform related functions not inconsistent with the law.

56.110. If the prosecuting attorney and assistant prosecuting attorney be interested or  
2 shall have been employed as counsel in any case where such employment is inconsistent with  
3 the duties of his or her office, or shall be related to the defendant in any criminal prosecution,  
4 either by blood or by marriage, the court having criminal jurisdiction may appoint some other  
5 attorney to prosecute or defend the cause. **Such special prosecutor shall not be otherwise**  
6 **employed by a party other than the state of Missouri in any criminal case or proceeding**  
7 **in that circuit for the duration of that appointment and shall be considered an appointed**  
8 **prosecutor for purposes of section 56.360.**

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August  
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2  
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,  
5 each county treasurer shall pay to the system the following amounts to be drawn from the general  
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision  
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and sixty-  
10 seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363  
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-  
15 seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county  
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the

18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting  
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys  
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days  
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'  
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840  
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys  
25 provided for in this section shall be paid from county or city funds and the surcharge established  
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the  
28 following amounts to be drawn from the general revenues of the county:

29 **[(1)] (a)** For counties of the third and fourth classification except as provided in  
30 **[subdivision (3)] paragraph (c)** of this **[subsection] subdivision**, one hundred eighty-seven  
31 dollars;

32 **[(2)] (b)** For counties of the second classification, two hundred seventy-one dollars;

33 **[(3)] (c)** For counties of the first classification, counties which pursuant to section  
34 56.363 elect to make the position of prosecuting attorney a full-time position after August 28,  
35 2001, or whose county commission has elected a full-time retirement benefit pursuant to  
36 subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37 **(2) Beginning August 28, 2014, the county contribution set forth in paragraphs (a)**  
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**  
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**  
40 **annual actuarial valuation report. If the system's funding ratio is:**

41 **(a) One hundred twenty percent or more, no monthly sum shall be transmitted;**

42 **(b) More than one hundred ten percent but less than one hundred twenty percent,**  
43 **the monthly sum transmitted shall be reduced fifty percent;**

44 **(c) At least ninety percent and up to and including one hundred ten percent, the**  
45 **monthly sum transmitted shall remain the same;**

46 **(d) At least eighty percent and less than ninety percent, the monthly sum**  
47 **transmitted shall be increased fifty percent; and**

48 **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**  
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the  
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for  
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system  
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund

54 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other  
55 purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and  
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases  
59 filed in the courts of this state including violation of any county ordinance [or] , any violation  
60 of criminal or traffic laws of this state, including infractions, **and against any person who pled**  
61 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed  
62 when the costs are waived or are to be paid by the state, county, or municipality or when a  
63 criminal proceeding or the defendant has been dismissed by the court [or against any person who  
64 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of  
65 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

66 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
67 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable  
68 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the  
69 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes  
70 provided for in sections 56.800 to 56.840 and for no other purpose.

71 8. The board may accept gifts, donations, grants and bequests from private or public  
72 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

73 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840  
74 unless provided for by law.

67.320. 1. Any county [of the first classification with more than one hundred ninety-  
2 eight thousand but less than one hundred ninety-nine thousand two hundred] **with a charter**  
3 **form of government and with more than two hundred thousand but fewer than three**  
4 **hundred fifty thousand** inhabitants or any county of the first classification with more than one  
5 hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute  
6 and punish violations of its county orders in the circuit court of such counties in the manner and  
7 to the extent herein provided or in a county municipal court if creation of a county municipal  
8 court is approved by order of the county commission. The county may adopt orders with penal  
9 provisions consistent with state law, but only in the areas of traffic violations, solid waste  
10 management, county building codes, on-site sewer treatment, zoning orders, and animal control.  
11 Any county municipal court established pursuant to the provisions of this section shall have  
12 jurisdiction over violations of that county's orders and the ordinances of municipalities with  
13 which the county has a contract to prosecute and punish violations of municipal ordinances of  
14 the municipality.

15           2. Except as provided in subsection 5 of this section in any county which has elected to  
16 establish a county municipal court pursuant to this section, the judges for such court shall be  
17 appointed by the county commission of such county, subject to confirmation by the legislative  
18 body of such county in the same manner as confirmation for other county appointed officers.  
19 The number of judges appointed, and qualifications for their appointment, shall be established  
20 by order of the commission.

21           3. The practice and procedure of each prosecution shall be conducted in compliance with  
22 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this  
23 section.

24           4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with  
25 the term order for purposes of this section.

26           5. In any county of the first classification with more than one hundred one thousand but  
27 fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the  
28 county commission for a term of four years, and thereafter the judges shall be elected for a term  
29 of four years. The number of judges appointed, and qualifications for their appointment, shall  
30 be established by order of the commission.

          408.040. 1. **Judgments shall accrue interest on the judgment balance as set forth  
2 in this section. The "judgment balance" is defined as the total amount of the judgment  
3 awarded on the day judgment is entered including, but not limited to, principal,  
4 prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be  
5 applied first to post-judgment costs, then to post-judgment interest, and then to the  
6 judgment balance.**

7           2. In all nontort actions, interest shall be allowed on all money due upon any judgment  
8 or order of any court from the date judgment is entered by the trial court until satisfaction be  
9 made by payment, accord or sale of property; all such judgments and orders for money upon  
10 contracts bearing more than nine percent interest shall bear the same interest borne by such  
11 contracts, and all other judgments and orders for money shall bear nine percent per annum until  
12 satisfaction made as aforesaid.

13           [2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions,  
14 interest shall be allowed on all money due upon any judgment or order of any court from the date  
15 [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders  
16 for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as  
17 established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The  
18 judgment shall state the applicable interest rate, which shall not vary once entered. In tort  
19 actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a  
20 claim, to the party, parties or their representatives, and to such party's liability insurer if known

21 to the claimant, and the amount of the judgment or order exceeds the demand for payment or  
22 offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety  
23 days after the demand or offer was received, as shown by the certified mail return receipt, or  
24 from the date the demand or offer was rejected without counter offer, whichever is earlier. In  
25 order to qualify as a demand or offer pursuant to this section, such demand must:

- 26 (1) Be in writing and sent by certified mail return receipt requested; and
- 27 (2) Be accompanied by an affidavit of the claimant describing the nature of the claim,  
28 the nature of any injuries claimed and a general computation of any category of damages sought  
29 by the claimant with supporting documentation, if any is reasonably available; and
- 30 (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a  
31 list of the names and addresses of medical providers who have provided treatment to the claimant  
32 or decedent for such injuries, copies of all reasonably available medical bills, a list of employers  
33 if the claimant is seeking damages for loss of wages or earning, and written authorizations  
34 sufficient to allow the party, its representatives, and liability insurer if known to the claimant to  
35 obtain records from all employers and medical care providers; and
- 36 (4) Reference this section and be left open for ninety days.

37

38 Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause  
39 of action in circuit court prior to a date one hundred twenty days after the demand or offer was  
40 received, then the court shall not award prejudgment interest to the claimant. If the claimant is  
41 a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably  
42 appears to be qualified to act as next friend or conservator or personal representative. If the  
43 claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to  
44 section 537.080 to make claim for the death. Nothing contained herein shall limit the right of  
45 a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise  
46 provided by law or contract.

47 [3.] 4. In tort actions, a judgment for prejudgment interest awarded pursuant to this  
48 [subsection] **section** should bear interest at a per annum interest rate equal to the intended  
49 Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The  
50 judgment shall state the applicable interest rate, which shall not vary once entered.

**475.072. By January 1, 2015, the Missouri supreme court shall develop a form  
2 petition for the appointment of a guardian for a minor to be used in uncontested  
3 guardianship cases. The form petition shall meet all the requirements of subsection 1 of  
4 section 475.060.**

2 476.001. An efficient, well operating and productive judiciary is essential to the  
2 preservation of the people's liberty and prosperity. In order to achieve this goal, the general

3 assembly and the supreme court must constantly be aware of the operations, needs, strengths and  
4 weaknesses of the judicial system. It is the purpose of sections 476.001, **476.055, 476.330 to**  
5 **476.380**, 476.412, [476.415 and] 476.681, **and 477.405** to provide the general assembly and the  
6 supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis  
7 of judicial resources and an efficient and organized method of identifying the problems and  
8 needs as they occur. It is the further purpose of sections 476.001, **476.055, 476.330 to 476.380,**  
9 476.412, [476.415 and] 476.681, **477.405, 478.073, 478.320, and subdivision (12) of**  
10 **subsection 1 of section 600.042** to provide a system for the efficient allocation of available  
11 personnel, facilities and resources to achieve a uniform and effective operation of the judicial  
12 system.

476.320. There is hereby established "The Judicial Conference of the State of Missouri".  
2 The conference shall consist of the judges [and commissioners] of the supreme court and of the  
3 court of appeals, the circuit judges, associate circuit judges, family court commissioners, the  
4 commissioners of the juvenile division of the circuit courts, and all judges and commissioners  
5 who have retired under any of the provisions of sections 476.450 to 476.595 heretofore or  
6 hereafter in effect. The chief justice of the supreme court, or in his absence the vice president  
7 elected by the executive council, shall be the presiding officer.

476.330. The conference shall meet on the call of the chief justice. A meeting shall be  
2 called at least once [a] **every odd-numbered** year at some convenient time and place in the state.  
3 It shall be the duty of all members of the conference to attend such [annual] meeting.

476.340. 1. The governing body of the conference, between [annual] sessions, shall be  
2 the executive council. The executive council shall consist of the following members:

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

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

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

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

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

18 (6) Three associate circuit judges elected for three-year terms, one from each district of  
19 the court of appeals, by the associate circuit judges of the district to represent each of the districts  
20 of the court of appeals, respectively;

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

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

25 (9) One retired judge or commissioner who is a member of the judicial conference  
26 elected for a three-year term by such judges and commissioners.

27

28 Members of the executive council on August 28, 2003, shall serve out their terms and their  
29 replacements shall be elected under the provisions of this section. Vacancies shall be filled for  
30 the unexpired term of any member as provided by resolution of the judicial conference.

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

478.240. 1. The presiding judge of each circuit which is provided by subsection 3 of  
2 section 15 of article V of the constitution shall be selected for a two-year term. The circuit and  
3 associate circuit judges in each circuit shall select by secret ballot a circuit judge from their  
4 number to serve as presiding judge. Selection and removal procedures, not inconsistent with the  
5 rules of the supreme court, may be provided by local court rule. If a presiding judge is  
6 disqualified from acting as a judicial officer pursuant to the constitution, article V, section 24,  
7 the circuit judges and associate circuit judges of the circuit shall select a circuit judge as  
8 presiding judge. If the circuit does not have an eligible judge to be elected presiding judge, then  
9 the chief justice of the supreme court may designate an acting presiding judge until a successor  
10 is chosen or until the disability of the presiding judge terminates.

11 2. Subject to the authority of the supreme court and the chief justice under article V of  
12 the constitution, the presiding judge of the circuit shall have general administrative authority over  
13 all judicial personnel and court officials in the circuit, including the authority to assign any  
14 judicial or court personnel anywhere in the circuit, and shall have the authority to assign judges  
15 to hear such cases or classes of cases as the presiding judge may designate, and to assign judges  
16 to divisions. Such assignment authority shall include the authority to authorize particular

17 associate circuit judges to hear and determine cases or classes of cases. By this subsection the  
18 presiding judge shall not, however, be authorized to make the following assignments:

19 (1) Assignment of a municipal judge to hear any case other than to initially hear a  
20 municipal ordinance violation case of the municipality which makes provision for such  
21 municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a  
22 municipality within the circuit to hear and determine municipal ordinance violations in a court  
23 of another municipality within the circuit if the municipality to which the judge is especially  
24 assigned by the presiding judge has made provision for the compensation of such judge;

25 (2) Assignment of a judge to hear the trial of a felony case when he **or she** has previously  
26 conducted the preliminary hearing in that case, **unless the defendant has signed a written**  
27 **waiver permitting the same judge to hear both the preliminary hearing and the trial;**

28 (3) Assignment of a case to a judge contrary to provisions of supreme court rules or local  
29 circuit court rules; and

30 (4) Assignment of a case or class of cases not within the class of cases specified in  
31 section 472.020, to a circuit judge who is also judge of the probate division and who was on  
32 January 1, 1979, a probate judge shall only be with the consent of such judge of the probate  
33 division.

34 3. If any circuit judge or associate circuit judge shall proceed to hear and determine any  
35 case or class of cases which has not been assigned to him **or her** by the presiding judge pursuant  
36 to subsection 1 or 2 of this section, or to which he **or she** had not been transferred by the chief  
37 justice of the supreme court, or in the event the purported assignment to him **or her** shall be  
38 determined to be defective or deficient in any manner, any order or judgment he **or she** may have  
39 entered may be set aside, as otherwise provided by rule or by law, and the judge may be subject  
40 to discipline under article V, section 24 of the Missouri Constitution, but he **or she** shall not be  
41 deemed to have acted other than as a judicial officer because of any such absence, defect or  
42 deficiency of assignment under this section, or transfer by the chief justice.

478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting  
2 of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two  
3 and three. Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth  
4 judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.

5 2. The circuit judge in division two shall be elected in 1980. The circuit judges in  
6 divisions one and three shall be elected in 1982. The circuit judge in division four shall be  
7 elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

8 3. [The authority for a majority of judges of the thirteenth judicial circuit to appoint or  
9 retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such

10 date,] **Beginning August 28, 2001**, there shall be one **more** additional associate circuit judge  
11 position in Boone County than is provided pursuant to section 478.320.

488.026. As provided by section 56.807, there shall be assessed and collected a  
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations  
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including  
4 infractions, **or against any person who pled guilty and paid a fine through a fine collection**  
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by  
6 the state, county, or municipality or when a criminal proceeding or the defendant has been  
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant  
8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"  
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court  
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010  
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'  
12 retirement fund.

488.305. **1.** The clerk of the circuit court shall charge and collect fees for the clerk's  
2 duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined  
3 pursuant to sections 488.010 to 488.020.

**2. The clerk of the circuit court may charge and collect in cases where a**  
5 **garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any**  
6 **moneys collected under this subsection shall be placed in a fund to be used at the discretion**  
7 **of the circuit clerk to maintain and improve case processing and record preservation.**

488.2206. **1. In addition to all court fees and costs prescribed by law, a surcharge**  
2 **of up to ten dollars shall be assessed as costs in each court proceeding filed in any court**  
3 **within the thirty-first judicial circuit in all criminal cases including violations of any county**  
4 **or municipal ordinance or any violation of a criminal or traffic law of the state, including**  
5 **an infraction, except that no such surcharge shall be collected in any proceeding in any**  
6 **court when the proceeding or defendant has been dismissed by the court or when costs are**  
7 **to be paid by the state, county, or municipality. For violations of the general criminal laws**  
8 **of the state or county ordinances, no such surcharge shall be collected unless it is**  
9 **authorized, by order, ordinance, or resolution by the county government where the**  
10 **violation occurred. For violations of municipal ordinances, no such surcharge shall be**  
11 **collected unless it is authorized, by order, ordinance, or resolution by the municipal**  
12 **government where the violation occurred. Such surcharges shall be collected and**  
13 **disbursed by the clerk of each respective court responsible for collecting court costs in the**  
14 **manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of**  
15 **the political subdivision authorizing such surcharge.**

16           **2. Each county or municipality shall use all funds received pursuant to this section**  
17 **only to pay for the costs associated with the land assemblage and purchase, construction,**  
18 **maintenance, and operation of any county or municipal judicial facility including, but not**  
19 **limited to, debt service, utilities, maintenance, and building security. The county or**  
20 **municipality shall maintain records identifying such operating costs, and any moneys not**  
21 **needed for the operating costs of the county or municipal judicial facility shall be**  
22 **transmitted quarterly to the general revenue fund of the county or municipality**  
23 **respectively.**

          525.040. **1.** Notice of garnishment, served as provided in sections 525.010 to 525.480  
2 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes,  
3 drafts, checks or other choses in action of the defendant in the garnishee's possession or charge,  
4 or under his **or her** control at the time of the service of the garnishment, or which may come into  
5 his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between  
6 that time and the time of filing his **or her** answer, **or in the case of a continuous wage**  
7 **garnishment, until the judgment is paid in full or until the employment relationship is**  
8 **terminated, whichever occurs first;** but he **or she** shall not be liable to a judgment in money  
9 on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same  
10 shall have been converted into money since the garnishment, or he **or she** fail, in such time as  
11 the court may prescribe, to deliver them into court, or to the sheriff or other person designated  
12 by the court.

13           **2. Writs of garnishment which would otherwise have equal priority shall have**  
14 **priority according to the date of service on the garnishee. If the employee's wages have**  
15 **been attached by more than one writ of garnishment, the employer shall inform the**  
16 **inferior garnisher of the existence and case number of all senior garnishments.**

          525.070. Whenever any property, effects, money or debts, belonging or owing to the  
2 defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee,  
3 the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying  
4 or delivering the same, or so much thereof as the court shall order, to the sheriff [or] , to the  
5 court, **or if applicable, to the attorney for the party on whose behalf the order of**  
6 **garnishment issued,** from all further liability on account of the property, money or debts so paid  
7 or delivered.

          525.080. **1.** If it appear that a garnishee, at or after his or her garnishment, was possessed  
2 of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation,  
3 may order the delivery of such property, or the payment of the amount owing by the garnishee,  
4 to the sheriff [or] , into court, **or to the attorney for the party on whose behalf the order of**  
5 **garnishment issued,** at such time as the court may direct; or may permit the garnishee to retain

6 the same, upon his or her executing a bond to the plaintiff, with security, approved by the court,  
7 to the effect that the property shall be forthcoming, or the amount paid, as the court may direct.  
8 Upon a breach of the obligation of such bond, the plaintiff may proceed against the obligors  
9 therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

10 2. Notwithstanding subsection 1 of this section, when property is protected from  
11 garnishment by state or federal law including but not limited to federal restrictions on the  
12 garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and  
13 Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not  
14 be delivered to the court, **or to any other person**, by the garnishee to the extent such protection  
15 or preemption is applicable.

525.230. [1. The court shall make the garnishee a reasonable allowance] **The garnishee**  
2 **may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon**  
3 **between the garnishee and judgment debtor where the garnishee is a financial institution,**  
4 for his or her trouble and expenses in answering the interrogatories **and withholding the funds,**  
5 to be [paid out of the funds or proceeds of the property or effects confessed in his or her hands.  
6 The reasonable allowances shall include any court costs, attorney's fees and any other bona fide  
7 expenses of the garnishee.

8 2. The court also shall allow the garnishee, in addition to the reasonable allowance for  
9 his or her trouble and expenses in answering the interrogatories, to collect an administrative fee  
10 consisting of the greater of eight dollars or two percent of the amount required to be deducted  
11 by any court-ordered garnishment or series of garnishments arising out of the same judgment  
12 debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment  
13 and paying over any garnished funds available to the court. The fee shall be withheld by the  
14 employer from the employee, or by any other garnishee from any fund garnished, in addition to  
15 the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against  
16 the court-ordered judgment and shall be collected first] **withheld from any funds garnished,**  
17 **in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall**  
18 **not be a credit against the court-ordered judgment and shall be collected first. The**  
19 **garnishee may file a motion with the court for additional costs, including attorney's fees,**  
20 **reasonably incurred in answering the interrogatories in which case the court may make**  
21 **such award as it deems reasonable. The motion shall be filed on or before the date the**  
22 **garnishee makes payment or delivers property subject to garnishment to the court.**

525.310. 1. [When a judgment has been rendered against an officer, appointee or  
2 employee of the state of Missouri, or any municipal corporation or other political subdivision of  
3 the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the  
4 court before whom the judgment was rendered, an application setting forth such facts, and that

5 the judgment debtor is employed by the state, or a municipal corporation or other political  
6 subdivision of the state, with the name of the department of state or the municipal corporation  
7 or other political subdivision of the state which employs the judgment debtor, and the name of  
8 the treasurer, or the name and title of the paying, disbursing or auditing officer of the state,  
9 municipal corporation or other political subdivision of the state, charged with the duty of  
10 payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing  
11 of such application the clerk shall issue a writ of sequestration directed to the sheriff or other  
12 officer authorized to execute writs in the county in which such paying, disbursing or auditing  
13 officer may be found and the sheriff or other officer to whom the writ is directed shall serve a  
14 true copy thereof upon such paying, disbursing or auditing officer named therein, which shall  
15 have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor,  
16 which are not made exempt by virtue of the exemption statutes of this state and are not in excess  
17 of the amount due on the judgment and costs, then due and payable, from the date of the writ to  
18 the return day thereof.

19         2. The paying, disbursing or auditing officer charged with the duty of payment or audit  
20 of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer  
21 serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the  
22 salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the  
23 exemption statutes of this state, as the same shall become due to the judgment debtor. The  
24 paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of  
25 his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The  
26 sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer  
27 along with the writ sufficient information to compute the amount which shall be delivered to the  
28 sheriff or officer serving the writ. Neither the state, municipal corporation or other political  
29 subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the  
30 payment of any amount above the amount delivered to the sheriff or officer serving the writ if  
31 the computation of the amount delivered is in accordance with the information provided with the  
32 writ.

33         3. The sheriff or officer serving such writ shall endorse thereon the day and date he  
34 received the same, and upon receiving any amount in connection with the writ, shall issue his  
35 receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the  
36 sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be  
37 necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the  
38 same manner as in the case of garnishment under execution. The sheriff or other officer serving  
39 the writ shall make his return to the writ showing the manner of serving the same, and he shall  
40 be allowed the same fees therefor as provided for levy of execution, and the writ shall be

41 returnable in the same manner as the execution issued out of the court in which the judgment was  
42 rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which  
43 he may be entitled under the exemption laws of this state, and the same may be claimed by him  
44 to the sheriff or other officer serving the writ at any time on or before the return day of the writ  
45 in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff  
46 or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor  
47 of his exemption rights, either in person or by registered letter directed to the judgment debtor  
48 to his last known address.] **The provisions of this section constitute a waiver of sovereign**  
49 **immunity with respect to garnishment of the pay of state, municipal, or other political**  
50 **subdivision employees. The state, municipal, or other political subdivision employer served**  
51 **with a garnishment shall have the same duties and obligations as those imposed upon a**  
52 **private employer when served with a garnishment.**

53 **2. Pay of any officer, appointee, or employee of the state of Missouri, or any**  
54 **municipal corporation or other political subdivision of the state, shall be subject to**  
55 **garnishment to the same extent as in any other garnishment. All garnishments against**  
56 **such employee shall proceed in the same manner as any other garnishment, except as**  
57 **provided in subsection 3 of this section.**

58 **3. Service of legal process to which a department, municipal corporation, or other**  
59 **political subdivision of the state is subject under this section may be accomplished by**  
60 **certified mail, return receipt requested, or by personal service upon:**

61 **(1) The appropriate agent designated for receipt of such service of process; or**

62 **(2) The head of such department, municipal corporation, or other political**  
63 **subdivision of the state if no agent has been so designated.**

**542.375. 1. As used in this section, the following terms shall mean:**

2 **(1) "Electronic communication service", a service that provides to users of the**  
3 **service the ability to send or receive wire or electronic communications;**

4 **(2) "Electronic device", a device that enables access to or use of an electronic**  
5 **communication service, remote computing service, or location information service;**

6 **(3) "Government entity", a state or local agency, including but not limited to a law**  
7 **enforcement entity or any other investigative entity, agency, department, division, bureau,**  
8 **board, or commission or a person acting or purporting to act for or on behalf of a state or**  
9 **local agency;**

10 **(4) "Location information", information concerning the location of an electronic**  
11 **device that, in whole or in part, is generated or derived from or obtained by the operation**  
12 **of an electronic device;**

13           **(5) "Location information service", the provision of a global positioning service or**  
14 **other mapping, locational, or directional information service;**

15           **(6) "Remote computing service", the provision of computer storage or processing**  
16 **services by means of an electronic communication system.**

17           **2. Except as provided in subsection 3 of this section, a government entity shall not**  
18 **obtain the location information of an electronic device without a search warrant issued by**  
19 **a court of competent jurisdiction.**

20           **3. A government entity may obtain location information of an electronic device**  
21 **under any of the following circumstances:**

22           **(1) The device is reported stolen by the owner;**

23           **(2) To respond to the user's call for emergency services;**

24           **(3) With the informed affirmative consent of the owner or user of the electronic**  
25 **device; or**

26           **(4) A possible life-threatening situation exists.**

27           **4. Any evidence obtained in violation of this section is not admissible in a civil,**  
28 **criminal, or administrative proceeding and shall not be used in an affidavit of probable**  
29 **cause in an effort to obtain a search warrant.**

30           **5. Any person who violates this section shall be subject to a fine of fifty dollars.**

632.480. As used in sections 632.480 to 632.513, the following terms mean:

2           (1) "Agency with jurisdiction", the department of corrections or the department of mental  
3 health;

4           (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or  
5 volitional capacity which predisposes the person to commit sexually violent offenses in a degree  
6 constituting such person a menace to the health and safety of others;

7           (3) "Predatory", acts directed towards individuals, including family members, for the  
8 primary purpose of victimization;

9           (4) "Sexually violent offense", the felonies of rape in the first degree, forcible rape, rape,  
10 statutory rape in the first degree, sodomy in the first degree, forcible sodomy, sodomy, statutory  
11 sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child  
12 molestation in the first or second degree, sexual abuse, sexual abuse in the first degree, rape in  
13 the second degree, sexual assault, sexual assault in the first degree, sodomy in the second degree,  
14 deviate sexual assault, deviate sexual assault in the first degree, or the act of abuse of a child  
15 involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of  
16 a minor, or any felony offense that contains elements substantially similar to the offenses listed  
17 above;

18 (5) "Sexually violent predator", any person who suffers from a mental abnormality which  
19 makes the person more likely than not to engage in predatory acts of sexual violence if not  
20 confined in a secure facility and who:

21 (a) Has pled guilty or been found guilty **in this state or any other jurisdiction**, or been  
22 found not guilty by reason of mental disease or defect pursuant to section 552.030, of a sexually  
23 violent offense; or

24 (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and  
25 statutes in effect before August 13, 1980.

632.483. 1. When it appears that a person may meet the criteria of a sexually violent  
2 predator, the agency with jurisdiction shall give written notice of such to the attorney general and  
3 the multidisciplinary team established in subsection 4 of this section. Written notice shall be  
4 given:

5 (1) Within three hundred sixty days prior to the anticipated release from a correctional  
6 center of the department of corrections of a person who has been convicted of a sexually violent  
7 offense, except that in the case of persons who are returned to prison for no more than one  
8 hundred eighty days as a result of revocation of postrelease supervision, written notice shall be  
9 given as soon as practicable following the person's readmission to prison;

10 (2) At any time prior to the release of a person who has been found not guilty by reason  
11 of mental disease or defect of a sexually violent offense; or

12 (3) At any time prior to the release of a person who was committed as a criminal sexual  
13 psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

14 2. The agency with jurisdiction shall provide the attorney general and the  
15 multidisciplinary team established in subsection 4 of this section with the following:

16 (1) The person's name, identifying factors, anticipated future residence and offense  
17 history;

18 (2) Documentation of institutional adjustment and any treatment received or refused,  
19 including the Missouri sexual offender program; and

20 (3) A determination by either a psychiatrist or a psychologist as defined in section  
21 632.005 as to whether the person meets the definition of a sexually violent predator.

22 3. The agency with jurisdiction, its employees, officials, members of the  
23 multidisciplinary team established in subsection 4 of this section, members of the prosecutor's  
24 review committee appointed as provided in subsection 5 of this section and individuals  
25 contracting or appointed to perform services hereunder shall be immune from liability for any  
26 conduct performed in good faith and without gross negligence pursuant to the provisions of  
27 sections 632.480 to 632.513.

28           4. The director of the department of mental health and the director of the department of  
29 corrections shall establish a multidisciplinary team consisting of no more than seven members,  
30 at least one from the department of corrections and the department of mental health, and which  
31 may include individuals from other state agencies to review available records of each person  
32 referred to such team pursuant to subsection 1 of this section. The team, within thirty days of  
33 receiving notice, shall assess whether or not the person meets the definition of a sexually violent  
34 predator. The team shall notify the attorney general of its assessment.

35           5. The prosecutors coordinators training council established pursuant to section 56.760  
36 shall appoint a five-member prosecutors' review committee composed of a cross section of  
37 county prosecutors from urban and rural counties. No more than three shall be from urban  
38 counties, and one member shall be the prosecuting attorney of the county in which the person  
39 was convicted or committed pursuant to chapter 552, **if the conviction was in this state**. The  
40 committee shall review the records of each person referred to the attorney general pursuant to  
41 subsection 1 of this section. The prosecutors' review committee shall make a determination of  
42 whether or not the person meets the definition of a sexually violent predator. The determination  
43 of the prosecutors' review committee or any member pursuant to this section or section 632.484  
44 shall not be admissible evidence in any proceeding to prove whether or not the person is a  
45 sexually violent predator. The assessment of the multidisciplinary team shall be made available  
46 to the attorney general and the prosecutors' review committee.

632.484. 1. When the attorney general receives written notice from any law enforcement  
2 agency that a person, who has pled guilty to or been convicted of a sexually violent offense and  
3 who is not presently in the physical custody of an agency with jurisdiction has committed a  
4 recent overt act, the attorney general may file a petition for detention and evaluation with the  
5 probate division of the court in which the person was convicted, or committed pursuant to  
6 chapter 552, alleging the respondent may meet the definition of a sexually violent predator and  
7 should be detained for evaluation for a period of up to nine days. **If the person was convicted**  
8 **in another jurisdiction and the recent overt act was committed in this state, the attorney**  
9 **general may file the petition for detention and evaluation with the probate division of the**  
10 **court in the county of this state where the overt act was committed.** The written notice shall  
11 include the previous conviction record of the person, a description of the recent overt act, if  
12 applicable, and any other evidence which tends to show the person to be a sexually violent  
13 predator. The attorney general shall provide notice of the petition to the prosecuting attorney of  
14 the county where the petition was filed.

15           2. Upon a determination by the court that the person may meet the definition of a  
16 sexually violent predator, the court shall order the detention and transport of such person to a

17 secure facility to be determined by the department of mental health. The attorney general shall  
18 immediately give written notice of such to the department of mental health.

19 3. Upon receiving physical custody of the person and written notice pursuant to  
20 subsection 2 of this section, the department of mental health shall, through either a psychiatrist  
21 or psychologist as defined in section 632.005, make a determination whether or not the person  
22 meets the definition of a sexually violent predator. The department of mental health shall, within  
23 seven days of receiving physical custody of the person, provide the attorney general with a  
24 written report of the results of its investigation and evaluation. The attorney general shall  
25 provide any available records of the person that are retained by the department of corrections to  
26 the department of mental health for the purposes of this section. If the department of mental  
27 health is unable to make a determination within seven days, the attorney general may request an  
28 additional detention of ninety-six hours from the court for good cause shown.

29 4. If the department determines that the person may meet the definition of a sexually  
30 violent predator, the attorney general shall provide the results of the investigation and evaluation  
31 to the prosecutors' review committee. The prosecutors' review committee shall, by majority vote,  
32 determine whether or not the person meets the definition of a sexually violent predator within  
33 twenty-four hours of written notice from the attorney general's office. If the prosecutors' review  
34 committee determines that the person meets the definition of a sexually violent predator, the  
35 prosecutors' review committee shall provide written notice to the attorney general of its  
36 determination. The attorney general may file a petition pursuant to section 632.486 within  
37 forty-eight hours after obtaining the results from the department.

38 5. For the purposes of this section "recent overt act" means any act that creates a  
39 reasonable apprehension of harm of a sexually violent nature.

650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation  
2 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the  
3 fund in accordance with sections 30.170 and 30.180. [Beginning with the 2010 fiscal year and  
4 in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the  
5 cyber crime investigation fund.] The department of public safety shall be the administrator of  
6 the fund. Moneys in the fund shall be used solely for the administration of the grant program  
7 established under this section. Notwithstanding the provisions of section 33.080 to the contrary,  
8 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the  
9 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as  
10 other funds are invested. Any interest and moneys earned on such investments shall be credited  
11 to the fund.

12 2. The department of public safety shall create a program to distribute grants to  
13 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional

14 enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes  
15 against children, and other law enforcement agencies. The program shall be funded by the cyber  
16 crime investigation fund created under subsection 1 of this section. Not more than three percent  
17 of the money in the fund may be used by the department to pay the administrative costs of the  
18 grant program. The grants shall be awarded and used to pay the salaries of detectives, **assistant**  
19 **prosecuting and circuit attorneys**, and computer forensic personnel whose focus is  
20 investigating Internet sex crimes against children, including but not limited to enticement of a  
21 child, possession or promotion of child pornography, provide funding for the training of law  
22 enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting  
23 and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for  
24 such training may be used to cover the travel expenses of those persons participating.

25 3. A panel is hereby established in the department of public safety to award grants under  
26 this program and shall be comprised of the following members:

27 (1) The director of the department of public safety, or his or her designee;

28 (2) Two members [shall be] appointed by the director of the department of public safety  
29 from a list of six nominees submitted by the Missouri Police Chiefs Association;

30 (3) Two members [shall be] appointed by the director of the department of public safety  
31 from a list of six nominees submitted by the Missouri Sheriffs' Association;

32 (4) Two members of the state highway patrol [shall be] appointed by the director of the  
33 department of public safety from a list of six nominees submitted by the Missouri State Troopers  
34 Association;

35 (5) One member of the house of representatives [who shall be] appointed by the speaker  
36 of the house of representatives; [and]

37 (6) One member of the senate [who shall be] appointed by the president pro tem. The  
38 panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall  
39 serve a four-year term ending four years from the date of expiration of the term for which his or  
40 her predecessor was appointed. However, a person appointed to fill a vacancy prior to the  
41 expiration of such a term shall be appointed for the remainder of the term. Such members shall  
42 hold office for the term of his or her appointment and until a successor is appointed. The  
43 members of the panel shall receive no additional compensation but shall be eligible for  
44 reimbursement for mileage directly related to the performance of panel duties; **and**

45 (7) **The executive director of the Missouri office of prosecution services, or his or**  
46 **her designee.**

47 4. Local matching amounts, which may include new or existing funds or in-kind  
48 resources including but not limited to equipment or personnel, are required for  
49 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement

50 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state  
51 appropriations process or by the panel.

52 5. When awarding grants, priority should be given to newly hired detectives and  
53 computer forensic personnel.

54 6. The panel shall establish minimum training standards for detectives and computer  
55 forensic personnel participating in the grant program established in subsection 2 of this section.

56 7. Multijurisdictional Internet cyber crime law enforcement task forces and other law  
57 enforcement agencies participating in the grant program established in subsection 2 of this  
58 section shall share information and cooperate with the highway patrol and with existing Internet  
59 crimes against children task force programs.

60 8. The panel may make recommendations to the general assembly regarding the need for  
61 additional resources or appropriations.

62 9. The power of arrest of any peace officer who is duly authorized as a member of a  
63 multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during  
64 the time such peace officer is an active member of such task force and only within the scope of  
65 the investigation on which the task force is working. Notwithstanding other provisions of law  
66 to the contrary, such task force officer shall have the power of arrest, as limited in this  
67 subsection, anywhere in the state and shall provide prior notification to the chief of police of a  
68 municipality or the sheriff of the county in which the arrest is to take place. If exigent  
69 circumstances exist, such arrest may be made and notification shall be made to the chief of police  
70 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work  
71 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option  
72 when such task force is operating within the jurisdiction of such chief of police or sheriff.

73 10. [Under section 23.253 of the Missouri sunset act:

74 (1) The provisions of the new program authorized under this section shall sunset  
75 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;  
76 and

77 (2) If such program is reauthorized, the program authorized under this section shall  
78 sunset automatically twelve years after the effective date of the reauthorization of this section;  
79 and

80 (3) This section shall terminate on September first of the calendar year immediately  
81 following the calendar year in which the program authorized under this section is sunset] **This**  
82 **section shall expire on August 28, 2024.**

2 [550.040. In all capital cases, and those in which imprisonment in the  
3 penitentiary is the sole punishment for the offense, if the defendant is acquitted,  
the costs shall be paid by the state; and in all other trials on indictments or

4 information, if the defendant is acquitted, the costs shall be paid by the county in  
5 which the indictment was found or information filed.]

6

2 [550.060. In all cases where any person shall be committed or recognized  
3 to answer for a felony, and no indictment shall be found against such person, the  
4 prosecutor, or person on whose oath the prosecution was commenced, shall be  
5 liable for all the costs incurred in that behalf; and the court shall render judgment  
6 against such prosecutor for the same, and in no such case shall the state or county  
7 pay such costs.]

2 Section B. The repeal and reenactment of sections 408.040, 488.305, 525.040, 525.070,  
525.080, 525.230, and 525.310 of this act shall become effective on January 15, 2015.

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