

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for House Bill No. 1210, Page 1, Title, Line 2, by deleting the word “debt” on said line and inserting in lieu thereof the phrase “delinquent debts.”; and

Further amend said bill, page, Title, Line 3, by deleting all of said line; and

Further amend said bill, Page 9, Section 143.790, Line 257, by inserting after all of said section and line, the following:

“221.070. 1. Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. If a person has not paid all money owed to the county jail upon release from custody and has failed to enter into, or honor an agreement with the sheriff to make payments toward such debt according to a repayment plan, the sheriff may certify to the clerk of the court in which the case was determined the amount of the outstanding debt. The circuit clerk shall report to the office of state courts administrator the debtor's full name, date of birth, address, and the amount the debtor owes to the county jail. If the person subsequently satisfies the debt to the county jail or begins making regular payments in accordance with an agreement entered into with the sheriff, the sheriff shall notify the circuit clerk who shall then notify the state courts administrator that the person shall no longer be considered delinquent.

488.5028. 1. If a person fails to pay court costs, fines, fees, or other sums ordered by a court, to be paid to the state or political subdivision, a court may report any such delinquencies in excess of twenty-five dollars to the office of state courts administrator and request that the state courts administrator seek a setoff of an income tax refund. The state courts administrator shall set guidelines necessary to effectuate the purpose of the offset program. The office of state courts administrator shall also seek a setoff of any income tax refund or lottery prize payouts made to a person whose name has been reported to the office as being delinquent pursuant to section 221.070.

2. The office of state courts administrator shall provide the department of revenue with the

1 information necessary to identify each debtor whose refund is sought to be setoff and the amount of the
2 debt or debts owed by [each such] any debtor who is entitled to a tax refund in excess of twenty-five
3 dollars and any debtor under section 221.070 who is entitled to a tax refund of any amount.

4 3. The department of revenue shall notify the office of state courts administrator that a refund
5 [has] or lottery prize winnings have been setoff on behalf of a court and shall certify the amount of such
6 setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed [exceeds]
7 or lottery price winnings exceed the claimed debt, the department of revenue shall send the excess amount
8 to the debtor within a reasonable time after such excess is determined.

9 4. The office of state courts administrator shall notify the debtor by mail that a setoff has been
10 sought. The notice shall contain the following:

11 (1) The name of the debtor;

12 (2) The manner in which the debt arose;

13 (3) The amount of the claimed debt and the department's intention to setoff the refund or lottery
14 prize winnings against the debt;

15 (4) The amount, if any, of the refund or lottery prize winnings due after setoff [of the refund]
16 against the debt; and

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

19 Any debtor applying to the court for review of the setoff shall file a written application within thirty days
20 of the date of mailing of the notice and send a copy of the application to the office of state courts
21 administrator. The application for review of the setoff shall contain the name of the debtor, the case name
22 and number from which the debt arose, and the grounds for review. The court may upon application, or
23 on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action
24 with the only matters for determination whether the [refund] setoff was appropriate because the debt was
25 unsatisfied at the time the court reported the delinquency to the office of state courts administrator and
26 that the debt remains unsatisfied. In the case of a joint or combined return, the notice sent by the
27 department shall contain the name of the nonobligated taxpayer named in the return, if any, against whom
28 no debt is claimed. The notice shall state that as to the nonobligated taxpayer that no debt is owed and
29 that the taxpayer is entitled to a refund regardless of the debt owed by such other person or persons named
30 on the joint or combined return. The nonobligated taxpayer may seek a refund as provided in section
31 143.784.

32 5. Upon receipt of funds transferred from the department of revenue to the office of state courts
33 administrator pursuant to a [refund] setoff, the state courts administrator shall deposit such funds in the
34 state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds
35 shall be credited to the escrow account and used to offset administrative expenses. If a debtor files with a
36 court an application for review, the state courts administrator shall hold such sums in question until
37 directed by such court to release the funds. If no application for review is filed, the state courts
38 administrator shall, within forty-five days of receipt of funds from the department, send to the clerk of the
39 court in which the debt arose such sums as are collected by the department of revenue for credit to the
40 debtor's account.

1 488.5029. 1. After the period provided for a person to appeal a debt under subsection 5 of this
2 section has expired and unless a court, upon review, determines that the delinquent debt has been
3 satisfied, the office of state courts administrator shall notify the department of revenue and the department
4 of conservation of the full name, date of birth, and address of any person reported by a circuit court as
5 being delinquent in the payment of money to a county jail under section 271.070. If a person requests a
6 hearing under subsection 5 of this section, the state courts administrator shall wait to send such
7 notification until the court has issued a decision. When the circuit clerk has notified the state courts
8 administrator that a person shall no longer be considered delinquent, the state courts administrator shall
9 notify the departments of such fact. Notification under this subsection may be on forms or in an electronic
10 format per agreement with the office of state courts administrator and each individual agency.

11 2. No concealed carry endorsement shall be issued or renewed under chapter 571 until the
12 director of the department of revenue verifies that the person has not been reported as being delinquent
13 under this section. A concealed carry endorsement shall not be issued or renewed if an applicant is
14 reported as being delinquent until the department of revenue receives notification from the state courts
15 administrator that the person is no longer ineligible for a concealed carry endorsement. The concealed
16 carry endorsement in the name of any person reported as being delinquent under this section shall be
17 suspended by the department upon notification of a delinquency by the state courts administrator. The
18 person shall surrender the driver's license or nondriver's license containing the concealed carry
19 endorsement. The department of revenue shall issue a receipt to the licensee for the license upon a form
20 that serves as a driver's license or a nondriver's license and clearly states that the concealed carry
21 endorsement has been suspended. The concealed carry endorsement issued pursuant to sections 571.101
22 to 571.121 shall be suspended until the state courts administrator has notified the department that such
23 person is no longer considered delinquent. Upon such notice, the department shall return the driver's
24 license or nondriver's license containing the concealed carry endorsement to the person.

25 3. No license to hunt or fish shall be issued by the department of conservation until the director of
26 the department of conservation verifies that the person has not been reported as being delinquent under
27 this section. A license to hunt or fish shall not be issued if an applicant is reported as being delinquent
28 until the department of conservation receives notification from the state courts administrator that the
29 person is no longer ineligible for a hunting or fishing license. A hunting or fishing license for any person
30 reported delinquent under this section shall be suspended by the department upon notification by the state
31 courts administrator. Such suspension shall remain in effect until the department is notified by the state
32 courts administrator that such person is no longer considered delinquent.

33 4. The director of revenue and the department of conservation shall make necessary rules and
34 regulations for the enforcement of this section, and shall design all necessary forms. Any rule or portion
35 of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this
36 section shall become effective only if it complies with and is subject to all of the provisions of chapter
37 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
38 powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or
39 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
40 authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

1 5. Before the office of state courts administrator has reported the name of any debtor pursuant to
2 this section, the state courts administrator shall notify the debtor by mail that his or her name will be
3 forwarded to the department of revenue and the department of conservation. The notice shall contain the
4 following information:

5 (1) The name of the debtor;

6 (2) The manner in which the debt arose;

7 (3) The amount of the claimed debt;

8 (4) The provisions of this section regarding the issuance, renewal, and suspension of a concealed
9 carry endorsement and the issuance and suspension of a license to hunt or fish;

10 (5) The date by which a person with a concealed carry endorsement shall surrender the driver's
11 license or nondriver's license containing the concealed carry endorsement to the department of revenue
12 under subsection 2 of this section; and

13 (6) The right of the debtor to apply in writing to the court in which the debt originated for review
14 because the debt was previously satisfied.

15 6. Any debtor applying to the court for review shall file a written application within thirty days of
16 the date of mailing of the notice and send a copy of the application to the office of state courts
17 administrator. The application for review shall contain the name of the debtor, the case name and number
18 from which the debt arose, and the grounds for review. The court may upon application, or on its own
19 motion, hold a hearing on the application. The hearing shall be ancillary to the original action with the
20 only matters for determination whether the debt was unsatisfied at the time the court reported the
21 delinquency to the office of state courts administrator and that the debt remains unsatisfied.”; and

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23 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.