

SECOND REGULAR SESSION

# HOUSE BILL NO. 1256

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DIEHL.

5067L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 56.807 and 488.026, RSMo, and to enact in lieu thereof two new sections relating to the Missouri prosecuting attorneys and circuit attorneys retirement system fund.

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

Section A. Section 56.807 and 488.026, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 56.807 and 488.026, to read as follows:

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

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

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

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

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

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.

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. 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) For counties of the third and fourth classification except as provided in subdivision  
30 (3) of this subsection, one hundred eighty-seven dollars;

31           (2) For counties of the second classification, two hundred seventy-one dollars;

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

36           6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the  
37 sums specified in subsection 5 of this section to the Missouri office of prosecution services for  
38 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system  
39 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund  
40 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other  
41 purpose.

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

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

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

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

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

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.

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