

SECOND REGULAR SESSION

# HOUSE BILL NO. 1675

## 96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES RUZICKA (Sponsor), LASATER,  
PHILLIPS AND HIGDON (Co-sponsors).

5528L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 488.5320, RSMo, and to enact in lieu thereof one new section relating to charges in criminal cases for law enforcement services.

---

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

Section A. Section 488.5320, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 488.5320, to read as follows:

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those charges from cases disposed of by a traffic violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the Missouri MODEX fund established in subsection 5 of this section for the operational cost of the MODEX system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, the funds shall be deposited in the MODEX fund.**

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           2. The sheriff receiving any charge pursuant to subsection 1 of this section shall  
17 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each  
18 pleading, writ, summons, order of court or other document served in connection with the case  
19 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum  
20 amount of the total charge received pursuant to subsection 1 of this section.

21           3. The charges provided in subsection 1 of this section shall be taxed as other costs in  
22 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in  
23 any criminal procedure. The clerk shall tax all the costs in the case against such defendant,  
24 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,  
25 that no such charge shall be collected in any proceeding in any court when the proceeding or the  
26 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing  
27 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses  
28 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri  
29 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for  
30 attachments for witnesses shall be paid by such witnesses.

31           4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services  
32 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for  
33 allowable expenses for motor vehicle use expressed as an amount per mile.

34           **5. (1) There is hereby created in the state treasury the "MODEX Fund", which**  
35 **shall consist of money collected under subsection 1 of this section. The fund shall be**  
36 **administered by the Peace Officers Standards and Training Commission established in**  
37 **section 590.120. The state treasurer shall be custodian of the fund. In accordance with**  
38 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall**  
39 **be a dedicated fund and, upon appropriation, money in the fund shall be used solely for**  
40 **the operational support and expansion of the MODEX system.**

41           **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
42 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
43 **general revenue fund.**

44           **(3) The state treasurer shall invest moneys in the fund in the same manner as other**  
45 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
46 **to the fund.**

✓