

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 169

97TH GENERAL ASSEMBLY

0200H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 56.807, 488.026, and 488.5320, RSMo, and to enact in lieu thereof three new sections relating to court cost funds.

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

Section A. Sections 56.807, 488.026, and 488.5320, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 56.807, 488.026, and 488.5320, to read as follows: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. **(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 56.363  
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37           **(2) Beginning August 28, 2013, 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.

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.

488.5320. 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 MODEX fund established in subsection 5 of this section for the operational cost of the Missouri data exchange (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, all of the funds shall be deposited in the MODEX fund.**

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

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

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

**5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be 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.**

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