

HCS HB 169 -- COURT COST FUNDS (Diehl)

COMMITTEE OF ORIGIN: Committee on Retirement

This substitute changes the law regarding court cost funds. In its main provisions the substitute:

#### PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT FUND

Currently, each county treasurer must transfer a specified sum of money each month to the Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund for use by the fund. Beginning August 28, 2013, the substitute requires that the county contribution be adjusted in accordance with the following schedule based on the retirement system's annual actuarial valuation report:

- (1) If the system's funding ratio is 120% or more, no monthly sum must be transmitted;
- (2) If the system's funding ratio is more than 110% but less than 120%, the monthly sum transmitted must be reduced 50%;
- (3) If the system's funding ratio is at least 90% and up to 110%, the monthly sum transmitted must remain the same;
- (4) If the system's funding ratio is at least 80% and less than 90%, the monthly sum transmitted must be increased 50%; and
- (5) If the system's funding ratio is less than 80%, the monthly sum transmitted must be increased 100%.

Currently, a surcharge of \$4 is assessed and collected in all criminal cases filed in court, including any violation of a county ordinance or any violation of the state's criminal or traffic laws, including infractions. The substitute adds any person who has pled guilty and paid a fine through a fine collection center to the list of those who are to be assessed the surcharge.

#### CHARGES FOR LAW ENFORCEMENT SERVICES

Currently, law enforcement officers are allowed to charge for their services rendered in criminal cases and in all contempt or attachment proceedings except for cases disposed of by a traffic violations bureau. The substitute removes that exception and allows them to also charge for cases disposed of by a traffic violations bureau. However, charges from cases disposed of by a traffic violations bureau must be distributed so that one-half of the charges collected are deposited into the newly-created MODEX Fund for the operational cost of the Missouri data exchange (MODEX)

system and one-half of the charges collected are deposited into the inmate security fund of the county or municipal political subdivision where the citation originated. If the county or municipal political subdivision has not established an inmate security fund, the funds must be deposited in the MODEX Fund.