

SECOND REGULAR SESSION

HOUSE BILL NO. 2037

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

5341H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 488, RSMo, by adding thereto two new sections relating to surcharges assessed in criminal cases.

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

Section A. Chapter 488, RSMo, is amended by adding thereto two new sections, to be known as sections 488.025 and 488.028, to read as follows:

488.025. As provided by section 56.807, there shall be assessed and collected a surcharge of five dollars in all criminal cases filed in the circuit and associate circuit courts of this state, including violations of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, or against any person who has pled guilty of a violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or county, or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. The surcharge received shall be paid to the county treasurer, and the county treasurer shall make such moneys payable to the state treasurer. The state treasurer shall deposit such moneys in the fund to reimburse counties for the per diem cost of incarceration of prisoners chargeable to the state under section 221.105.

488.028. 1. There shall be assessed and collected a surcharge of five dollars in all criminal cases filed in the circuit and associate circuit courts of this state, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, or

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.

4 when a criminal proceeding or the defendant has been dismissed by the court. The clerk
5 responsible for collecting court costs in criminal cases shall collect and disburse such
6 amounts as provided by sections 488.010 to 488.020 and shall be payable to the state
7 treasurer.

8 2. The state treasurer shall deposit such moneys collected under subsection 1 of this
9 section into the "Missouri Correctional Officer Salary Supplemental Fund", which is
10 hereby created in the state treasury. The state treasurer shall be custodian of the fund.
11 In accordance with sections 30.170 and 30.180, the state treasurer may approve
12 disbursements. The fund shall be a dedicated fund. Notwithstanding the provisions of
13 section 33.080, to the contrary, any moneys remaining in the fund at the end of the
14 biennium shall not revert to the credit of the general revenue fund. The state treasurer
15 shall invest moneys in the fund in the same manner as other funds are invested. Any
16 interest and moneys earned on such investments shall be credited to the fund.

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