

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 384
95TH GENERAL ASSEMBLY

1222L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 192.925, 210.1012, 229.110, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, and 566.226, RSMo, and to enact in lieu thereof eight new sections relating to certain criminal offenses and criminal procedures, with penalty provisions.

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

Section A. Sections 192.925, 210.1012, 229.110, 479.260, 488.5025, 545.050, 550.040, 2 550.050, 550.070, 550.080, 550.090, and 566.226, RSMo, are repealed and eight new sections 3 enacted in lieu thereof, to be known as sections 192.925, 210.1012, 479.260, 488.5025, 4 488.5032, 545.050, 550.040, and 566.226, to read as follows:

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and** 2 **financial exploitation of the elderly**, the department of health and senior services shall 3 implement an education and awareness program. Such program shall have the goal of reducing 4 the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may 5 focus on:

6 (1) The education and awareness of mandatory reporters on their responsibility to report 7 elder abuse and neglect **and financial exploitation of the elderly**;

8 (2) Targeted education and awareness for the public on the problem, identification and 9 reporting of elder abuse and neglect **and financial exploitation of the elderly**;

10 (3) Publicizing the elder abuse and neglect hot line telephone number;

11 (4) Education and awareness for law enforcement agencies and prosecutors on the 12 problem and identification of elder abuse and neglect **and financial exploitation of the elderly**, 13 and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

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.

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

210.1012. 1. There is hereby created a statewide program called the "Amber Alert
2 System" referred to in this section as the "system" to aid in the identification and location of an
3 abducted child.

4 2. For the purposes of this section, "abducted child" means a child whose whereabouts
5 are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the crime
7 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

8 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined by
9 section 565.115, RSMo, as determined by [local] law enforcement; or

10 (3) Less than eighteen years of age and at least fourteen years of age, and who[, if under
11 the age of fourteen,] would otherwise be reasonably believed to be a victim of child kidnapping
12 as defined by section 565.115, RSMo, as determined by [local] law enforcement, **if such person**
13 **was under the age of fourteen.**

14 3. The department of public safety shall develop regions to provide the system. The
15 department of public safety shall coordinate local law enforcement agencies and public
16 commercial television and radio broadcasters to provide an effective system. In the event that
17 a local law enforcement agency opts not to set up a system and an abduction occurs within the
18 jurisdiction, it shall notify the department of public safety who will notify local media in the
19 region.

20 4. The Amber alert system shall include all state agencies capable of providing urgent
21 and timely information to the public together with broadcasters and other private entities that
22 volunteer to participate in the dissemination of urgent public information. At a minimum, the
23 Amber alert system shall include the department of public safety, highway patrol, department of
24 transportation, department of health and senior services, and Missouri lottery.

25 5. The department of public safety shall have the authority to notify other regions upon
26 verification that the criteria established by the oversight committee has been met.

27 6. Participation in an Amber alert system is entirely at the option of local law
28 enforcement agencies and federally licensed radio and television broadcasters.

29 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
30 section is guilty of a class A misdemeanor.

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed
6 before the defendant pleads guilty or is found guilty, the municipal judge may assess
7 municipal court costs as determined by section 488.012, RSMo, against the defendant if the
8 defendant consents to paying the costs except in those cases where the defendant is found
9 by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
32 shall assess costs against the defendant except in those cases where the defendant is found by the
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this

37 subsection shall be collected by the municipal division clerk in municipalities electing or
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

488.5025. 1. In addition to any other assessment authorized by law, a court may assess
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,
3 sanction, or court costs on a time-payment basis, including restitution and juvenile monetary
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other
7 enforcement provisions authorized by law.

8 2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable
9 to the clerk of the court of the county, **or clerk of the court of the municipality**, from which
10 such fee was collected, or to such person as is designated by local circuit court rule as treasurer
11 of said fund, and said fund shall be applied and expended under the direction and order of the
12 court en banc of any such county to be utilized by the court **where such fine is collected** to
13 improve, maintain, and enhance the ability to collect and manage moneys assessed or received
14 by the courts, to improve case processing, enhance court security, preservation of the record, or
15 to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited
16 in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the

17 time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue
18 fund.

**488.5032. In the event a criminal case is dismissed in a circuit court in this state
2 before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as
3 determined by section 488.012, RSMo, against any defendant if the defendant consents to
4 paying the costs except in those cases where the defendant is found by the judge to be
5 indigent and unable to pay the costs.**

545.050. [1.] No indictment for any trespass against the person or property of another,
2 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the
3 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is
4 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the
5 information and testimony of one or more grand jurors, or of some public officer in the necessary
6 discharge of his **or her** duty.

7 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered
8 against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the
2 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;
3 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall
4 be paid by the county in which the indictment was found or information filed[, except when the
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

566.226. 1. After August 28, [2007] **2009**, any information contained in any court
2 record, whether written or published on the Internet, that could be used to identify or locate any
3 victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted
4 from such record prior to disclosure to the public. Identifying information shall include the
5 name, home or temporary address, telephone number, Social Security number or physical
6 characteristics. **For purposes of this section, the name of any defendant in a criminal case
7 shall not be considered identifying information and shall not be redacted from court
8 records.**

9 2. If the court determines that a person or entity who is requesting identifying
10 information of a victim has a legitimate interest in obtaining such information, the court may
11 allow access to the information, but only if the court determines that disclosure to the person or
12 entity would not compromise the welfare or safety of such victim.

[229.110. 1. Every person owning a hedge fence situated along or near
2 the right-of-way of any public road shall between the first days of May and
3 August of each year cut the same down to a height of not more than five feet, and
4 any owner of such fence failing to comply with this section shall forfeit and pay
5 to the capital school fund of the county wherein such fence is situated not less

6 than fifty nor more than five hundred dollars, to be recovered in a civil action in
 7 the name of the county upon the relation of the prosecuting attorney, and any
 8 judgment of forfeiture obtained shall be a lien upon the real estate of the owner
 9 of such fence upon which same is situated, and a special execution shall issue
 10 against said real estate and no exemption shall be allowed.

11 2. Any prosecuting attorney who shall fail or refuse to institute suit as
 12 herein provided within thirty days after being notified by any road overseer,
 13 county or state highway engineer, that any hedge fence has not been cut down to
 14 the height herein required within the time required, shall be removed from office
 15 by the governor and some other person appointed to fill the vacancy thus created.
 16 The cutting of any such fence after the time herein required shall not be a defense
 17 to the action herein provided for.]
 18

2 [550.050. 1. Every person who shall institute any prosecution to recover
 3 a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is
 4 acquitted although he may not be entitled to any part of the same.

5 2. When such prosecutions are commenced by a public officer whose
 6 duty it is to institute the same, and the defendant is acquitted, the county shall pay
 7 the costs; if he is convicted, and unable to pay the costs, the county shall pay all
 8 the costs, except such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be discharged by the
 3 officer taking his examination, the costs shall be paid by the prosecutor or person
 4 on whose oath the prosecution was instituted, and the officer taking such
 5 examination shall enter judgment against such person for the same, and issue
 6 execution therefor immediately; and in no such case shall the state or county pay
 7 the costs.]

2 [550.080. If, upon the trial of any indictment or information, the
 3 defendant shall be acquitted or discharged, and the prosecutor or prosecuting
 4 witness shall be liable to pay the costs according to law, judgment shall be
 5 rendered against such prosecutor for the costs in the case, and in no such case
 6 shall the same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any associate
 3 circuit judge, at the instance of the injured party, for the disturbance of the peace
 4 of a person, or for libel or slander, or for any trespass against the person or
 5 property of another, not amounting to a felony, except for petit larceny, the name
 6 of such injured party shall be entered by the associate circuit judge on his record
 7 as a prosecutor; and if the defendant shall be discharged or acquitted, such
 8 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in
 9 every other case of acquittal, if the associate circuit judge or jury trying the case
 shall state in the finding that the prosecution was malicious or without probable

10 cause, the associate circuit judge shall enter judgment for costs against the
11 prosecution or party at whose instance the information was filed, and shall issue
12 execution therefor; but in no case shall the prosecuting attorney be liable for
13 costs. In other cases of discharge or acquittal the costs shall be paid by the
14 county, except when the prosecution is commenced by complaint and the
15 prosecuting attorney declines to file information thereon, in which case the
16 proceedings shall be dismissed at the cost of the party filing the complaint.]

✓