

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 237

AND

HOUSE BILL NO. 238

AND

HOUSE BILL NO. 482

95TH GENERAL ASSEMBLY

0854S.03T

2009

AN ACT

To repeal sections 477.600, 479.260, 488.429, and 517.041, RSMo, and to enact in lieu thereof four new sections relating to courts.

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

Section A. Sections 477.600, 479.260, 488.429, and 517.041, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 477.600, 479.260, 488.429,
3 and 517.041, to read as follows:

477.600. 1. There is hereby created within the judicial department a "Judicial Finance
2 Commission". The commission shall be composed of seven members appointed by the supreme
3 court. At least one member of the commission shall be a member of a county governing body
4 from a county of the third class, one member of the commission shall be a member of the county
5 governing body of a county of the first class, and one member of the commission shall be a
6 member of a county governing body from any class of county. The supreme court shall designate

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.

7 one member to serve as chairman and one member as vice chairman. The vice chairman shall
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their
10 successors are appointed and qualified; except that of the initial members appointed, three shall
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the
25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the
31 finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall include the information from
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,
34 juvenile and municipal divisions. The information shall be reported separately except where the
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court
36 may direct the annual report described in this subdivision to be consolidated with any
37 annual report prepared by the supreme court or the office of state courts administrator,
38 provided that such report is distributed to the parties described in this subdivision.**

39 6. In discharging its responsibilities, the commission may:

40 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records
41 and documents;

42 (2) Conduct surveys and collect data from county governments and the circuit courts on
43 the operations of the judicial and law enforcement agencies in each county. The commission and
44 its staff shall be granted access at any reasonable time to all books, records, and data the
45 commission deems necessary for the administration of its duties;

46 (3) Within the limits of appropriations made for the purpose, appoint special committees,
47 accept and expend grant funds, and employ consultants and others to assist the commission in
48 its work.

49 7. Upon receipt of the written opinion of the commission or upon refusal of the
50 commission to accept a petition for review, the circuit court or the county governing body may
51 seek a review by the supreme court by filing a petition for review in the supreme court within
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the
53 supreme court, then the recommendation of the commission shall take effect notwithstanding the
54 provisions of section 50.600, RSMo. If the commission refused to review a petition and no
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written
58 request of four members. Four members constitute a quorum for the transaction of business.
59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any
60 commissioner who is unable to hear a case or who is disqualified from any case. No member
61 of the commission shall participate in any proceeding involving the county or circuit where the
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out
67 of any funds appropriated for this purpose. The commission may also employ court reporters
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters
69 shall be compensated at a rate established by the commission out of any funds appropriated for
70 this purpose.

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. The fees authorized in this
6 subsection are in addition to service charges, witness fees and jail costs that may otherwise be

7 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
8 subsection shall be collected by the municipal division clerk in municipalities electing or
9 required to have violations of municipal ordinances tried before a municipal judge pursuant to
10 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
11 provided in subsection 1 of section 479.080. Any other court costs required in connection with
12 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
13 provided that, each municipal court may establish a judicial education fund [in an account] **and**
14 **an appointed counsel fund, each in separate accounts** under the control of the municipal court
15 to retain one dollar of the fees collected on each case [and to use the fund]. **The fees collected**
16 **shall be allocated between the two funds as determined by the court. The judicial**
17 **education fund shall be used** only to pay for:

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

20 (2) Judicial education and training for the court administrator and clerks of the municipal
21 court.

22 **The appointed counsel fund shall be used only to pay the reasonable fees approved by the**
23 **court for the appointment of an attorney to represent any defendant found by the judge**
24 **to be indigent and unable to pay for legal representation, and where the supreme court**
25 **rules or the law prescribes such appointment.** Provided further, that no municipal court shall
26 retain more than one thousand five hundred dollars in the **judicial education** fund for each
27 judge, administrator or clerk of the municipal court **and no more than five thousand dollars**
28 **in the appointed counsel fund.** Any excess funds shall be transmitted quarterly to the general
29 revenue fund of the county or municipal treasury.

30 2. In municipal ordinance violation cases which are filed in the associate circuit division
31 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
32 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
33 shall assess costs against the defendant except in those cases where the defendant is found by the
34 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
35 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
36 this subsection are in addition to service charges, witness fees and jail costs that may otherwise
37 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this
38 subsection shall be collected by the municipal division clerk in municipalities electing or
39 required to have violations of municipal ordinances tried before a municipal judge pursuant to
40 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as

41 provided in subsection 2 of section 479.080. Any other court costs required in connection with
42 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

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

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

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

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

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund [shall]
4 **may** be applied and expended under the direction and order of the judges of the circuit court, en
5 banc, of any such county for the maintenance and upkeep of the law library maintained by the
6 bar association in any such county, or such other law library in any such county as may be
7 designated by the judges of the circuit court, en banc, of any such county; provided, that the
8 judges of the circuit court, en banc, of any such county, and the officers of all courts of record
9 of any such county, shall be entitled at all reasonable times to use the library to the support of
10 which said funds are applied.

11 2. In addition, such fund may also be applied and expended for that county's or circuit's
12 family services and justice fund.

13 3. In any county, other than a county on the nonpartisan court plan, such fund may also
14 be applied and expended for courtroom renovation and technology enhancement, or for debt
15 service on county bonds for such renovation or enhancement projects.

517.041. 1. The process in all cases shall be a summons with a copy of the petition of
2 the plaintiff attached, directed to the sheriff or other proper person for service on the defendant.
3 The summons shall command the defendant to appear before the court on a date and time, not
4 less than ten days nor more than [thirty] **sixty** days from the date of service of the summons.

5 2. If process is not timely served, the plaintiff may request further process be issued to
6 any defendant not timely served with the case being continued, or the plaintiff may dismiss as
7 to any such defendant and proceed with the case.

8 3. A petition filed which states a claim or claims that in the aggregate exceeds the
9 jurisdictional limit of the division shall be certified to presiding judge for assignment.

✓
