

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1962
91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, April 5, 2002, with recommendation that the House Committee Substitute for House Bill No. 1962 Do Pass.

TED WEDEL, Chief Clerk

4713L.02C

AN ACT

To repeal sections 50.333, 50.550, 57.290, 67.133, 143.782, 476.058, 476.385, 482.330, 488.012, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 558.019, 559.021, 577.051, and 595.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 50.333, 50.550, 57.290, 67.133, 143.782, 476.058, 476.385, 482.330, 488.012, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 558.019, 559.021, 577.051, and 595.045, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 50.333, 50.550, 50.555, 143.782, 476.058, 476.061, 476.385, 482.330, 488.012, 488.2300, 488.4014, 488.5021, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.151, 558.019, 559.021, 577.051, 595.045, and 1, to read as follows:

50.333. 1. There shall be a salary commission in every nonchartered county.

2. The **county** clerk [of the circuit court of the judicial circuit] in which such county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the **county** clerk [of the circuit court] shall forthwith set the earliest date possible for a meeting of the salary commission. The [circuit] **county** clerk shall give notice of the time and place of any meeting

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 of the salary commission. Such notice shall be published in a newspaper of general circulation
9 in such county at least five days prior to such meeting. Such notice shall contain a general
10 description of the business to be discussed at such meeting.

11 3. The members of the salary commission shall be:

12 (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;

13 (2) The county clerk;

14 (3) The prosecuting attorney;

15 (4) The sheriff;

16 (5) The county commissioners;

17 (6) The collector or treasurer ex officio collector;

18 (7) The treasurer or treasurer ex officio collector;

19 (8) The assessor;

20 (9) The auditor;

21 (10) The public administrator; and

22 (11) The coroner.

23

24 Members of the salary commission shall receive no additional compensation for their services
25 as members of the salary commission. A majority of members shall constitute a quorum.

26 4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings
27 of a county salary commission shall be open meetings and all votes taken at such meetings shall
28 be open records. Any vote taken at any meeting of the salary commission shall be taken by
29 recorded yeas and nays.

30 5. In every county, the salary commission shall meet at least once before November
31 thirtieth of each odd-numbered year. The salary commission may meet as many times as it
32 deems necessary and may meet after November thirtieth and prior to December fifteenth of any
33 odd-numbered year if the commission has met at least once prior to November thirtieth of that
34 year. At any meeting of the salary commission, the members shall elect a chairman from their
35 number. The county clerk shall present a report on the financial condition of the county to the
36 commission once the chairman is elected, and shall keep the minutes of the meeting.

37 6. For purposes of this section, the 1988 base compensation is the compensation paid on
38 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to
39 the presiding commissioner or the sheriff, whichever is greater, of that county for the year
40 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference
41 between the maximum allowable compensation and the compensation paid on September 1,
42 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall
43 determine the compensation to be paid to every county officer holding office on January 1, 1988.

44 The salary commission shall establish the compensation for each office at an amount not greater
45 than that set by law as the maximum compensation. If the salary commission votes to increase
46 compensation, but not to pay the maximum amount authorized by law for any officer or office,
47 then the increase in compensation shall be the same percentage increase for all officers and
48 offices and shall be expressed as a percentage of the difference between the maximum allowable
49 compensation and the compensation being received at the time of the vote. If two-thirds of the
50 members of the salary commission vote to decrease the compensation being received at the time
51 of the vote below that compensation, all officers shall receive the same percentage decrease. The
52 commission may vote not to increase or decrease the compensation and that compensation shall
53 continue to be the salary of such offices and officers during the subsequent term of office.

54 7. For the year 1989 and every second year thereafter, the salary commission shall meet
55 in every county as many times as it deems necessary on or prior to November thirtieth of any
56 such year for the purpose of determining the amount of compensation to be paid to county
57 officials. For each year in which the commission meets, the members shall elect a chairman
58 from their number. The county clerk shall present a report on the financial condition of the
59 county to the commission once the chairman is elected, and shall keep minutes of the meeting.
60 The salary commission shall then consider the compensation to be paid for the next term of
61 office for each county officer to be elected at their next general election. If the commission votes
62 not to increase or decrease the compensation, the salary being paid during the term in which the
63 vote was taken shall continue as the salary of such offices and officers during the subsequent
64 term of office. If the salary commission votes to increase the compensation, all officers or
65 offices whose compensation is being considered by the commission at that time, shall receive
66 the same percentage of the maximum allowable compensation. However, for any county in
67 which all offices' and officers' salaries have been set at one hundred percent of the maximum
68 allowable compensation, the commission may vote to increase the compensation of all offices
69 except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary
70 commission without regard to any law or maximum limitation established by law. Such increase
71 shall be expressed as a percentage of the compensation being paid during the term of office when
72 the vote is taken, and each officer or office whose compensation is being established by the
73 salary commission at that time shall receive the same percentage increase over the compensation
74 being paid for that office during the term when the vote is taken. This increase shall be in
75 addition to any increase mandated by an official's salary schedule because of changes in assessed
76 valuation during the current term. If the salary commission votes to decrease the compensation,
77 a vote of two-thirds or more of all the members of the salary commission shall be required before
78 the salary or other compensation of any county office shall be decreased below the compensation
79 being paid for the particular office on the date the salary commission votes, and all officers and

80 offices shall receive the same percentage decrease.

81 8. The salary commission shall issue, not later than December fifteenth of any year in
82 which it meets, a report of compensation to be paid to each officer and the compensation so set
83 shall be paid beginning with the start of the subsequent term of office of each officer. The report
84 of compensation shall be certified to the clerk of the county commission for the county and shall
85 be in substantially the following form:

86 The salary commission for County hereby certifies that it has met pursuant
87 to law to establish compensation for county officers to be paid to such officers during the next
88 term of office for the officers affected. The salary commission reports that there shall be (no
89 increase in compensation) (an increase of percent) (a decrease of percent)
90 (county officer's salaries set at percent of the maximum allowable compensation).
91 Salaries shall be adjusted each year on the official's year of incumbency for any change in the last
92 completed assessment that would affect the maximum allowable compensation for that office.

93 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
94 commission in any county fails, neglects or refuses to meet as provided in this section, or in the
95 event a majority of the salary commission is unable to reach an agreement and so reports or fails
96 to certify a salary report to the clerk of the county commission by December fifteenth of any year
97 in which a report is required to be certified by this section, then the compensation being paid to
98 each affected office or officer on such date shall continue to be the compensation paid to the
99 affected office or officer during the succeeding term of office.

100 10. Other provisions of law notwithstanding, in every instance where an officer or
101 employee of any county is paid a mileage allowance or reimbursement, the county commission
102 shall allow or reimburse such officers or employees out of the county treasury at the highest rate
103 paid to any county officer for each mile actually and necessarily traveled in the performance of
104 their official duties. The county commission of any county may elect to pay a mileage allowance
105 for any county commissioner for travel going to and returning from the place of holding
106 commission meetings and for all other necessary travel on official county business in the
107 personal motor vehicle of the commissioner presenting the claim. The governing body of any
108 county of the first classification not having a charter form of government may provide by order
109 for the payment of mileage expenses of elected and appointed county officials by payment of a
110 certain amount monthly which would reflect the average monthly mileage expenses of such
111 officer based on the amount allowed pursuant to state law for the payment of mileage for state
112 employees. Any order entered for such purpose shall not be construed as salary, wages or other
113 compensation for services rendered.

114 11. The term "maximum allowable compensation" as used in this section means the
115 highest compensation which may be paid to the specified officer or office in the particular county

116 based on the salary schedule established by law for the specified officer or office. If the salary
117 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable
118 compensation and does not change such vote at its meeting held within thirty days after May 13,
119 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on
120 the basis of the total allowable compensation permitted after May 13, 1988.

121 12. At the salary commission meeting which establishes the percentage rate to be applied
122 to county officers during the next term of office, the salary commission may authorize the further
123 adjustment of such officers' compensation as a cost-of-living component and effective January
124 first of each year, the compensation for county officers may be adjusted by the county
125 commission, and if the adjustment of compensation is authorized, the percentage increase shall
126 be the same for all county officers, not to exceed the percentage increase given to the other
127 county employees. The compensation for all county officers may be set as a group, although the
128 change in compensation will not become effective until the next term of office for each officer.

129 13. At the salary commission meeting in 1997 which establishes the salaries for those
130 officers to be elected at the general election in 1998, the salary commission of each noncharter
131 county may provide salary increases for associate county commissioners elected in 1996. This
132 one-time increase is necessitated by the change from two- to four-year terms for associate
133 commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth
134 general assembly in 1995.

50.550. 1. The annual budget shall present a complete financial plan for the ensuing
2 budget year. It shall set forth all proposed expenditures for the administration, operation and
3 maintenance of all offices, departments, commissions, courts and institutions; the actual or
4 estimated operating deficits or surpluses from prior years; all interest and debt redemption
5 charges during the year and expenditures for capital projects.

6 2. The budget shall contain adequate provisions for the expenditures necessary for the
7 care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs
8 of holding circuit court in the county that are chargeable against the county, for the repair and
9 upkeep of bridges other than on state highways and not in any special road district, and for the
10 salaries, office expenses and deputy and clerical hire of all county officers and agencies.

11 3. In addition, the budget shall set forth in detail the anticipated income and other means
12 of financing the proposed expenditures.

13 4. All receipts of the county for operation and maintenance shall be credited to the
14 general fund, and all expenditures for these purposes shall be charged to this fund; except, that
15 receipts from the special tax levy for roads and bridges shall be kept in a special fund and
16 expenditures for roads and bridges may be charged to the special fund.

17 5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund

18 created for the purpose, and all expenditures for this purpose shall be charged to the fund. All
19 receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue,
20 and all payments to retire the issue shall be charged to the fund. All receipts for interest on
21 outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the
22 interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

23 **6. Subject to the provisions of section 50.555 the county commission may create a**
24 **fund to be know as "The County Crime Reduction Fund".**

25 **7. The county commission may create other funds as are necessary from time to time.**

50.555. 1. A county commission may establish by ordinance or order a fund whose
2 **proceeds may be expended only for the purposes provided for in subsection 3 of this**
3 **section. The fund shall be designated as a county crime reduction fund and shall be under**
4 **the supervision of a board of trustees consisting of one citizen of the county appointed by**
5 **the presiding commissioner of the county, one citizen of the county appointed by the sheriff**
6 **of the county, and one citizen of the county appointed by the county prosecuting attorney.**

7 **2. Money from the county crime reduction fund shall only be expended upon the**
8 **approval of a majority of the members of the county crime reduction fund's board of**
9 **trustees and only for the purposes provided for by subsection 3 of this section.**

10 **3. Money from the county crime reduction fund shall only be expended for the**
11 **following purposes:**

12 **(1) Narcotics investigation, prevention, and intervention;**

13 **(2) Purchase of law enforcement related equipment and supplies for the sheriff's**
14 **office;**

15 **(3) Matching funds for federal or state law enforcement grants;**

16 **(4) Funding for the reporting of all state and federal crime statistics or information;**
17 **and**

18 **(5) Any law enforcement related expense, including those of the prosecuting**
19 **attorney, approved by the board of trustees for the county crime reduction fund that is**
20 **reasonably related to investigation, preparation, trial, and disposition of criminal cases**
21 **before the courts of the state of Missouri.**

22 **4. The county commission may not reduce any law enforcement agency's budget**
23 **as a result of funds the law enforcement agency receives from the county crime reduction**
24 **fund. The crime reduction fund is to be used only as a supplement to the law enforcement**
25 **agency's funding received from other county, state, or federal funds.**

26 **5. County crime reduction funds shall be audited as are all other county funds.**

143.782. As used in sections 143.782 to 143.788, unless the context clearly requires
2 otherwise, the following terms shall and include:

3 (1) **"Court", the supreme court, court of appeals, or any circuit court of the state;**
4 (2) Debt", any sum due and legally owed to any state agency which has accrued through
5 contract, subrogation, tort, or operation of law regardless of whether there is an outstanding
6 judgment for that sum, **court costs as defined in section 488.010, RSMo, fines and fees owed**
7 **to a court**, or any support obligation which is being enforced by the division of family services
8 on behalf of a person who is receiving support enforcement services pursuant to section 454.425,
9 RSMo;

10 [(2)] (3) "Debtor", any individual, sole proprietorship, partnership, corporation or other
11 legal entity owing a debt;

12 [(3)] (4) "Department", the department of revenue of the state of Missouri;

13 [(4)] (5) "Refund", the Missouri income tax refund which the department determines to
14 be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not
15 include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo;
16 and

17 [(5)] (6) "State agency", any department, division, board, commission, office, or other
18 agency of the state of Missouri, including public community college district.

476.058. 1. As used in this section, the term "court personnel" includes all personnel of
2 all state courts and all divisions of the courts, including juvenile, family and municipal divisions,
3 and clerks, deputy clerks, division clerks, official court reporters, law clerks and court
4 administrators, but not including judges.

5 2. There is hereby established in the state treasury the "State Court Administration
6 Revolving Fund". Any moneys received by or on behalf of the state court administrator from
7 registration fees, grants, or any other source in connection with the training and education of
8 court personnel provided pursuant to this section shall be deposited into the fund.

9 3. **In addition, any moneys received by or on behalf of the state courts**
10 **administrator from fees, grants or any other sources in connection with the preparation**
11 **of court transcripts shall be deposited in the fund provided, however, that moneys collected**
12 **in the fund in connection with a particular purpose shall be segregated and shall not be**
13 **disbursed for any other purpose.**

14 4. The state treasurer shall administer the fund and shall disburse moneys from the fund
15 to the state courts administrator pursuant to appropriations in order to provide training [and], to
16 purchase goods and services related to the training and education of court personnel, **and to pay**
17 **for goods and services associated with the preparation of court transcripts.**

18 [4.] 5. Any unexpended balance remaining in the fund at the end of each biennium shall
19 be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended
20 balances to the general revenue fund, until the amount in the state courts administration

21 revolving fund exceeds the greater of either one-half of the expenditures from the fund during
22 the previous year, or fifty thousand dollars.

**476.061. 1. An interpreter or translator cannot be compelled to testify as to the
2 information that would otherwise be protected by attorney-client privilege as between the
3 party and his or her attorney.**

**4 2. An interpreter or translator who serves in any criminal, juvenile proceeding,
5 including, any investigation, interview or any other proceeding regarding the juvenile, or
6 domestic violence actions commenced pursuant to sections 455.010 to 455.085, RSMo, or
7 sections 455.500 to 455.538, RSMo, shall be allowed a reasonable fee approved by the
8 court. If the person requiring an interpreter or translator during the proceeding is a party
9 to or a witness in the proceeding, such fee shall be payable by the state from funds
10 appropriated to the office of the state courts administrator.**

**11 3. An interpreter or translator appointed pursuant to section 476.060 in any
12 proceeding not enumerated in subsection 2 of this section is entitled to a reasonable fee for
13 such provider's service.**

**476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of [section] sections 210.104, 577.070 and 577.073,
4 RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing
5 in proportion to the severity of the violation. The associate circuit judges of each county may
6 meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant
7 to this section. Notice of such adoption and participation shall be given in the manner provided
8 by supreme court rule. Upon order of the supreme court, the associate circuit judges of each
9 county may meet en banc and establish and maintain a schedule of fines to be paid for violations
10 of municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted
13 for violations of municipal ordinances may be modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection
15 may exceed the maximum amount specified by statute or ordinance for such violation.**

**16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:**

- 18 (1) Any violation resulting in personal injury or property damage to another person;
19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
20 drugs;
21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;**

22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
39 on the recipient of the credit card payment by the credit card company.

40 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
42 having original jurisdiction over the offense. Any trial shall be conducted at the location
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in
44 writing such person of the date certain for the disposition of such charges **by sending the**
45 **written notification to the person by ordinary first class United States mail at the address**
46 **of record shown on the offense citation.** The prosecutor shall not be required to sign any
47 information, ticket or indictment until the commencement of any proceeding by the prosecutor
48 with respect to the notice of violation.

49 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
50 a notice of violation pursuant to this section shall also receive written notification of the
51 following:

52 (1) The fine and court costs established pursuant to this section for the violation or
53 information regarding how the person may obtain the amount of the fine and court costs for the
54 violation;

55 (2) That the person must respond to the notice of violation by paying the prescribed fine
56 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
57 prescribed by law may attach for failure to appear and dispose of the violation. The supreme

58 court may modify the suggested forms for uniform complaint and summons for use in courts
59 adopting the procedures provided by this section, in order to accommodate such required written
60 notifications.

61 7. Any moneys received in payment of fines and court costs pursuant to this section shall
62 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
63 of those persons or entities entitled to receive such funds pursuant to this subsection. All
64 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
65 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
66 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
67 interest earned on such fund shall be payable to the director of the department of revenue for
68 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
69 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
70 appropriations, only to the judicial branch of state government for goods and services related to
71 the administration of the judicial system.

72 8. Any person who receives a notice of violation subject to this section who fails to
73 dispose of such violation as provided by this section shall be guilty of failure to appear provided
74 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
75 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
76 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
77 guilty and request a trial within the time allotted by this section, for purposes of application of
78 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
79 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
80 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
81 by the court.

82 9. In addition to the remedies provided by subsection 8 of this section, the centralized
83 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
84 for the collection of court costs payable to courts, in order to collect fines and court costs for
85 violations subject to this section.

482.330. 1. No claim may be filed or prosecuted in small claims court by a party who:

2 (1) Is an assignee of the claim; or

3 (2) Has filed more than eight other claims in the Missouri small claims courts during the
4 current calendar year. If the court finds that a party has filed more claims than are permitted by
5 this section, the court shall dismiss the claim without prejudice.

6 2. At the time of filing an action in small claims court, a plaintiff shall sign a statement
7 that he **or she** is not the assignee of the claim sued on and that he **or she** has not filed more than
8 eight other claims in the Missouri small claims courts during the current calendar year.

9 3. Nothing in this section shall prohibit the filing or prosecution of a counterclaim
10 growing out of the same transaction or occurrence.

11 4. [No claim may be filed in a small claims court unless:

12 (1) At least one defendant is a resident of the county in which the court is located or at
13 least one of the plaintiffs is a resident of the county in which the court is located and at least one
14 defendant may be found in said county; or

15 (2) The facts giving rise to the cause of action took place within the county in which the
16 court is located.] **Venue in small claims court shall be pursuant to section 508.010, RSMo.**

 488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for
2 collecting court costs shall collect the court costs authorized by statute, in such amounts as are
3 authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs
4 due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

5 2. The supreme court shall set the amount of court costs authorized by statute, at levels
6 to produce revenue which shall not substantially exceed the total of the proportion of the costs
7 associated with administration of the judicial system defrayed by fees, miscellaneous charges and
8 surcharges.

9 3. Prior to adjustment by the supreme court, the following fees, costs and charges shall
10 be collected:

11 (1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

12 (2) Ten dollars for maintaining child support enforcement records, pursuant to section
13 452.345, RSMo;

14 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section
15 473.618, RSMo;

16 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

17 (5) Seven dollars for the statewide court automation fund, pursuant to section 476.053,
18 RSMo;

19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
21 novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

22 (7) Five dollars for small claims court cases where less than one hundred dollars is in
23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

24 (8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
26 pursuant to section 483.530, RSMo;

27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
28 pursuant to section 483.530, RSMo;

- 29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
30 483.530, RSMo;
- 31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
32 section 483.530, RSMo;
- 33 (13) Fifteen dollars for each associate circuit court case filed[, and one dollar for each
34 additional summons issued in such cases,] pursuant to section 483.530, RSMo;
- 35 (14) Forty-five dollars for applications for trial de novo from small claims court and
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,
37 RSMo;
- 38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
39 483.535, RSMo;
- 40 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
41 RSMo, when the value of the estate is:
- | | |
|--|---------|
| 42 (a) Less than \$10,000 | \$75.00 |
| 43 (b) From \$10,000 to \$25,000 | 115.00 |
| 44 (c) From \$25,000 to \$50,000 | 155.00 |
| 45 (d) From \$50,000 to 100,000 | 245.00 |
| 46 (e) From \$100,000 to \$500,000 | 305.00 |
| 47 (f) More than \$500,000 | 365.00; |
- 48 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
49 pursuant to section 483.580, RSMo;
- 50 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
51 483.580, RSMo:
- 52 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
- 53 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
- 54 (c) Sixty dollars for each grant of letters for guardianship of the person and
55 conservatorship of the estate of a minor;
- 56 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
57 estate case remains open;
- 58 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
59 incapacitated persons and their estates;
- 60 (f) Thirty dollars for each additional twelve months an incapacitated person's case
61 remains open;
- 62 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
63 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
64 483.580, RSMo;

- 65 (20) In probate proceedings, pursuant to section 483.580, RSMo:
66 (a) Thirty-five dollars for the collection of small estates;
67 (b) Thirty-five dollars for involuntary hospitalization proceedings;
68 (c) Thirty dollars for proceedings to determine heirship;
69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
71 (f) Forty dollars for proceedings to dispense with administration;
72 (g) Twenty dollars for proceedings to dispense with conservatorship;
73 (h) Twenty-five dollars for admitting a will to probate;
74 (i) One dollar per copied page and one dollar and fifty cents per certificate;
75 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
76 485.100, RSMo;
77 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;
78 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
79 to another county, pursuant to section 491.280, RSMo.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county
2 or circuit with a family court, for the purpose of aiding with the operation of the family court
3 divisions and services provided by those divisions. In circuits or counties having a family court,
4 the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling
5 within the jurisdiction of the family court. The surcharge shall not be charged when no court
6 costs are otherwise required, shall not be charged for actions filed pursuant to the provisions of
7 chapter 455, RSMo, shall not be charged to a government agency and shall not be charged in any
8 proceeding when costs are waived or are to be paid by the state, county or municipality.

9 2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars
10 may be assessed against the child, parent or custodian of the child, in addition to other amounts
11 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
12 211.083, RSMo, and in an order of disposition or treatment under the provisions of section
13 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the
14 assessment is imposed [and shall be collected and disbursed in the manner provided by sections
15 488.010 to 488.020].

16 3. All sums collected pursuant to this section and section 487.140, RSMo, shall be
17 payable to the various county family services and justice funds.

18 4. Any moneys in the family services and justice fund not expended for salaries of
19 commissioners, family court administrators and family court staff shall be used toward funding
20 the enhanced services provided as a result of the establishment of a family court; however, it
21 shall not replace or reduce the current and ongoing responsibilities of the counties to provide

22 funding for the courts as required by law. Moneys collected for the family services and justice
23 fund shall be expended for the benefit of litigants and recipients of services in the family court,
24 with priority given to services such as mediation, counseling, home studies, psychological
25 evaluation and other forms of alternative dispute-resolution services. Expenditures shall be
26 made at the discretion of the presiding judge or family court administrative judge, as designated
27 by the circuit and associate circuit judges en banc, for the implementation of the family court
28 system as set forth in this section. No moneys from the family services and justice fund may be
29 used to pay for mediation in any cause of action in which domestic violence is alleged.

30 5. From the funds collected pursuant to this section and retained in the family services
31 and justice fund, each circuit or county in which a family court commissioner in addition to those
32 commissioners existing as juvenile court commissioners on August 28, 1993, have been
33 appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state
34 for the actual costs of that portion of the salaries of family court commissioners appointed
35 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

36 6. No moneys deposited in the family services and justice fund may be expended for
37 capital improvements.

488.4014. 1. A fee of ten dollars, as provided in section 67.133, RSMo, shall be
2 assessed in all cases in which the defendant [is convicted] **pleads guilty or is found guilty** of
3 [violating] **a nonfelony violation of** any provision of chapters 252, 301, 302, 304, 306, 307 and
4 390, RSMo, and any infraction otherwise provided by law, **a fee of twenty-five dollars shall be**
5 **assessed** in all misdemeanor cases otherwise provided by law **in which the defendant pleads**
6 **guilty or is found guilty**, and **a fee of seventy-five dollars shall be assessed** in all felony cases[,
7 in criminal cases including violations of any county ordinance or any violation of a criminal or
8 traffic law of the state] **in which the defendant pleads guilty or is found guilty**, except that no
9 such fees shall be collected in any proceeding in any court when the proceeding or the defendant
10 has been dismissed by the court or when costs are to be paid by the state, county or municipality.
11 All fees collected [under the provisions of section 67.133, RSMo,] shall be collected and
12 disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county
13 treasurer who shall deposit those funds in the county treasury.

14 2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all
15 sums collected[, pursuant to section 67.133, RSMo,] on recognizances given to the state in
16 criminal cases, which are or may become forfeited, if not more than five hundred dollars, and
17 fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

488.5021. 1. In addition any other assessment authorized by law, a court may
2 **assess a fee of twenty dollars on each person who pays a court ordered penalty, fine or**
3 **sanction on a time payment basis, including parking penalties, restitution and juvenile**

4 **monetary assessments. A time payment basis shall be any penalty, fine or sanction not**
5 **paid, in full, within thirty days of the date the court imposed the fine, penalty or sanction.**
6 **Imposition of the time payment fee shall be in addition to any other enforcement provisions**
7 **authorized by law.**

8 **2. Eight dollars of the time payment fee collected pursuant to this section shall be**
9 **payable to the clerk of the court of the county from which such fee was collected, or to such**
10 **person as is designated by local circuit court rule as treasurer of said fund, and said fund**
11 **shall be applied and expended under the direction and order of the court en banc of any**
12 **such county to be utilized by the court to improve, maintain and enhance the ability to**
13 **collect and manage moneys assessed or received by the courts, to improve case processing,**
14 **enhance court security or to improve the administration of justice. Seven dollars of the**
15 **time payment fee shall be deposited in the statewide court automation fund pursuant to**
16 **section 476.055, RSMo. Five dollars of the time payment fee shall be deposited in the drug**
17 **court resources fund pursuant to section 478.009, RSMo.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge[, as
2 provided in section 57.290, RSMo,] for their services rendered in criminal cases and in all
3 proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case,
5 and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau
6 established pursuant to law or supreme court rule. Such charges shall be charged and collected
7 in the manner provided by sections 488.010 to 488.020 and shall be payable to the county
8 treasury.

9 2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1**
10 **of this section** shall reimburse the sheriff of any other county or the City of St. Louis the sum
11 of three dollars for each pleading, writ, summons, order of court or other document served in
12 connection with the case or proceeding by the sheriff of the other county or city, and return made
13 thereof, to the maximum amount of the total charge received pursuant to [section 57.290, RSMo]
14 **subsection 1 of this section.**

15 3. [As provided in section 57.290, RSMo,] In cities and counties having a population of
16 three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy
17 sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city
18 or county having a population of three hundred thousand inhabitants or over.

19 4. For the services of taking convicted offenders to the reception and diagnostic center
20 designated by the director of the department of corrections, the sheriff, county marshal or other
21 officers shall[, as provided in section 57.290, RSMo,] receive the sum of eight dollars per day
22 for the time actually and necessarily employed in traveling to and from the reception and

23 diagnostic center, and each guard shall[, as provided in section 57.290, RSMo,] receive the sum
24 of six dollars per day for the same, and the sheriff, county marshal or other officer and guard
25 shall[, as provided in section 57.290, RSMo,] receive the mileage rate prescribed by **this** section
26 [57.290, RSMo,] for the distance necessarily traveled in going to and returning from the
27 reception and diagnostic center, the time and distance to be estimated by the most usually
28 traveled route from the place of departure to the reception and diagnostic center; the mileage rate
29 prescribed by **this** section [57.290, RSMo,] for each mile traveled shall be allowed to the sheriff
30 to cover all expenses on each convicted offender while being taken to the reception and
31 diagnostic center; and all persons convicted and sentenced to imprisonment in the department
32 of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic
33 center at the same time, unless prevented by sickness or unavoidable accident. In cities having
34 a population of two hundred thousand inhabitants or more, convicted offenders shall be taken
35 to the reception and diagnostic center as often as the sheriff deems necessary. When three or
36 more convicted offenders are being taken to the reception and diagnostic center at one time, a
37 guard may be employed[, as provided in section 57.290, RSMo,] but no guard shall be employed
38 for a less number of convicted offenders except upon the order, entered of record, of the judge
39 of the court in which the conviction was had, and any additional guards employed by order of
40 the judge shall, in no event, exceed one for every three convicted offenders; and before any claim
41 for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or
42 other officer conveying such convicted offender, shall file with the state commissioner of
43 administration an itemized statement of such sheriff's account, in which the sheriff shall give the
44 name of each convicted offender conveyed and the name of each guard actually employed, with
45 the number of miles necessarily traveled and the number of days required, which in no case shall
46 exceed three days, and which account shall be signed and sworn to by such officer and
47 accompanied by a certificate from the chief administrative officer or such officer's designee of
48 the reception and diagnostic center, that such convicted offenders have been delivered at the
49 reception and diagnostic center and were accompanied by each of the officers and guards named
50 in the account.

51 5. The sheriff or other officer who shall take a person, charged with a criminal offense,
52 from the county in which the offender is apprehended to that in which the offense was
53 committed, or who may remove a prisoner from one county to another for any cause authorized
54 by law, or who shall have in custody or under such sheriff's or officer's charge any person
55 undergoing an examination preparatory to such person's commitment more than one day for
56 transporting, safekeeping and maintaining any such person, shall be allowed by the court having
57 cognizance of the offense, three dollars and fifty cents per day[, as provided in section 57.290,
58 RSMo,] for every day such sheriff or officer may have such person under such sheriff's or

59 officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by
60 **this** section [57.290, RSMo,] for every mile necessarily traveled in going to and returning from
61 one county to another, and the guard employed, who shall in no event exceed the number
62 allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception
63 and diagnostic center, shall be allowed[, as provided in section 57.290, RSMo,] the same
64 compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall
65 be allowed for board and all other expenses of each prisoner. No compensation shall be allowed
66 under this section for taking the prisoner or prisoners from one place to another in the same
67 county, excepting in counties which have two or more courts with general criminal jurisdiction.
68 In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place
69 of trial as are allowed for conveying prisoners in like cases from one county to another, and the
70 expenses incurred in transporting prisoners from one county to another, occasioned by the
71 insufficiency of the county jail or threatened mob violence, shall be paid by the county in which
72 such case may have originated; provided that the court is held at a place more than five miles
73 from the jail; and no court shall allow the expense of a guard, although it may have actually been
74 incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was
75 necessary; provided, that when the place of conviction is remote from a railroad, upon which a
76 convicted offender may be transported to the reception and diagnostic center, the court before
77 which such convicted offender is sentenced may, for good cause shown, allow one guard for
78 every two convicted offenders, such guard to receive three dollars a day and the mileage rate
79 prescribed by **this** section [57.290, RSMo,] for every mile necessarily traveled in going to and
80 returning from the nearest depot on such railroad to the place where such convicted offender was
81 sentenced.

82 6. The charges provided in subsection 1 of this section shall be taxed as other costs in
83 criminal [procedure] **proceedings** immediately [after conviction] **upon a plea of guilty or a**
84 **finding of guilt** of any defendant in any criminal procedure. The clerk shall tax all the costs in
85 the case against such defendant, which shall be collected and disbursed as provided by sections
86 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any
87 court when the proceeding or the defendant has been dismissed by the court; provided further,
88 that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri
89 facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but
90 such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and
91 such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

92 7. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
93 rendered pursuant to **this** section [57.290, RSMo,] at the rate prescribed by the Internal Revenue
94 Service for allowable expenses for motor vehicle use expressed as an amount per mile.

491.300. 1. Interpreters and translators in civil and criminal cases shall be allowed a reasonable fee approved by the court.

2. Such fee shall be payable by the state in criminal cases, **juvenile proceedings and in domestic violence actions commenced pursuant to sections 455.010 to 455.085, RSMo, and sections 455.500 to 455.538, RSMo**, from funds appropriated to the office of the state courts administrator if the person requiring an interpreter or translator during the court proceeding is a party to or witness in the proceeding.

494.410. 1. The board of jury commissioners shall compile and maintain a list of potential jurors and their addresses, and shall update such list periodically in a manner to be determined by the board. In compiling this list, to be known as the master jury list, the board of jury commissioners shall consult one or more [public records] **source lists**. The master jury list shall be comprised of not less than five percent of the total population of the county or city not within a county as determined from the last decennial census. In no event shall the master jury list contain less than four hundred names. In compiling the master jury list the board of jury commissioners shall take reasonable measures to avoid duplication of names. The master jury list shall be the result of random selection of names from [public records] **one or more source lists**.

2. **Beginning July 1, 2003, the master jury list shall be the result of random selection of names from a minimum of two source lists which shall include, but is not limited to, personal property tax list, voter's registration list and driver's license records. The information furnished by the department of revenue shall not be disclosed except as allowed pursuant to federal law.**

3. Whoever has custody, possession, or control of any record used in compiling the master jury list shall make the record available to the board of jury commissioners for inspection, reproduction and copying at all reasonable times.

[3.] 4. The **names of potential jurors on the** master jury list shall be considered a public record. The master jury list and copies of all records used in compiling the list shall be retained by the board of jury commissioners for at least five years after compilation of the list.

494.415. 1. From time to time and in a manner prescribed by the board of jury commissioners there shall be drawn at random from the master jury list the names or identifying numbers of as many prospective jurors as the court may require. The board of jury commissioners shall cause to be served in a manner prescribed by law for the service of summons or by ordinary mail, as determined by the board, a summons for jury service and a juror qualification form. The juror qualification form shall be approved by the circuit court en banc and shall:

(1) Contain instructions to fill out and return the form within ten days;

9 (2) Contain the prospective juror's declaration that his responses are true to the best of
10 his knowledge; and

11 (3) Elicit information concerning the prospective juror's qualifications.
12

13 Notarization of the juror qualification form shall not be required. If the prospective juror is
14 unable to fill out the juror qualification form, another person may do it for the prospective juror
15 and shall so indicate and the reason therefor. Any prospective juror who fails to return a
16 completed juror qualification form as instructed may be directed by the board of jury
17 commissioners to appear forthwith to fill out a juror qualification form.

18 2. If it is determined from an examination of the juror qualification form that a person
19 is not qualified to serve as a juror, that prospective juror shall be notified in a manner directed
20 by the board of jury commissioners and shall not be required to comply with the summons for
21 jury service. Such names shall be deleted from the master jury list.

22 3. Upon application by a prospective juror, the jury supervisor or board of jury
23 commissioners, acting in accordance with written guidelines adopted by the circuit court, may
24 postpone that prospective juror's service to a later date.

25 4. Those prospective jurors not disqualified from jury service shall constitute the
26 qualified jury list. If any prospective juror is later determined to be ineligible or disqualified,
27 such name shall be deleted from the qualified jury list and the master jury list.

28 **5. The qualified jury list shall only be disclosed pursuant to local court rule.**

494.420. 1. Those persons constituting the qualified jury list, when summoned, shall be
2 placed under the control and supervision of the sheriff or other person designated by the board
3 of jury commissioners in a designated area to be provided in the courthouse.

4 2. Whenever a judge of the circuit court shall require a panel of jurors for jury service,
5 he shall designate the number of jurors required. This number of jurors shall be randomly
6 selected in a manner specified by the board of jury commissioners from the qualified jury list.

7 **3. The petit jury list shall only be disclosed pursuant to local court rule.**

511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court, by any
2 United States district or circuit court held within this state, by any district of the court of appeals,
3 by any **division of the** circuit court [and any probate division of the circuit court], except
4 judgments and decrees rendered by [associate,] small claims and municipal divisions of the
5 circuit courts, shall be liens on the real estate of the person against whom they are rendered,
6 situate in the county for which or in which the court is held. **Judgments entered by the**
7 **associate division of the circuit court which are entitled to a trial de novo pursuant to**
8 **section 512.180, RSMo, shall be a lien upon final judgment if an application is not filed or,**
9 **alternatively, upon final judgment of the trial de novo if an application is filed.**

10 2. [Judgments and decrees rendered by the associate divisions of the circuit courts shall
11 not be liens on the real estate of the person against whom they are rendered until such judgments
12 or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151,
13 RSMo.

14 3.] Judgments and decrees rendered by the small claims and municipal divisions of the
15 circuit court shall not constitute liens against the real estate of the person against whom they are
16 rendered.

 511.510. It shall be the duty of each of the **associate and** circuit clerks, within five days
2 after the rendition of any final judgment in their respective courts, to enter an abstract of such
3 judgment in the record as required in section 511.500; and each **associate and** circuit clerk shall
4 immediately enter the same when the abstract aforesaid shall be furnished to such clerk by any
5 party interested, or such party's agent; and each of the clerks and their sureties shall be
6 respectively liable for any damage occasioned by any neglect to perform the duties hereby
7 required of them respectively; and it is further provided, that whenever any personal
8 representative, guardian or conservator, or any party interested, or such party's agent, shall
9 exhibit to the circuit clerk of the circuit court wherein such judgment may be recorded a receipt
10 or certificate of the proper officer, stating that such judgment has been duly satisfied, then the
11 **associate or** circuit clerk shall, without further fee, enter satisfaction of such judgment in such
12 clerk's office in the record as required in section 511.500.

 517.151. From **entry of** the [time of filing the transcript] **judgment**, every such
2 judgment shall have the same lien on the real estate of the defendant in the county as is given
3 judgments rendered by circuit judges. [The circuit clerk shall collect fees in such amounts as are
4 determined pursuant to sections 488.010 to 488.020, RSMo, for each transcript filed.] The
5 revival of any such lien upon real estate shall be under the same procedures as with judgments
6 originally rendered by a circuit judge[, shall be made from the record of the transcribed
7 judgment so filed in the office of circuit clerk,] and may be revived under proceedings before
8 either a circuit or an associate circuit judge. The foregoing provisions shall not apply with
9 respect to any judgment of a small claims court nor shall any judgment of a small claims court
10 be a lien upon real estate.

 558.019. 1. This section shall not be construed to affect the powers of the governor
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set
4 minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

 2. The provisions of this section shall be applicable to all classes of felonies except those
6 set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section.
7 For the purposes of this section, "prison commitment" means and is the receipt by the department

8 of corrections of a defendant after sentencing. For purposes of this section, prior prison
9 commitments to the department of corrections shall not include commitment to a regimented
10 discipline program established pursuant to section 217.378, RSMo. Other provisions of the law
11 to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found
12 guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is
13 committed to the department of corrections shall be required to serve the following minimum
14 prison terms:

15 (1) If the defendant has one previous prison commitment to the department of
16 corrections for a felony offense, the minimum prison term which the defendant must serve shall
17 be forty percent of his sentence or until the defendant attains seventy years of age, and has served
18 at least forty percent of the sentence imposed, whichever occurs first;

19 (2) If the defendant has two previous prison commitments to the department of
20 corrections for felonies unrelated to the present offense, the minimum prison term which the
21 defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy
22 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
23 first;

24 (3) If the defendant has three or more previous prison commitments to the department
25 of corrections for felonies unrelated to the present offense, the minimum prison term which the
26 defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy
27 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
28 first.

29 3. Other provisions of the law to the contrary notwithstanding, any defendant who has
30 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061,
31 RSMo, and is committed to the department of corrections shall be required to serve a minimum
32 prison term of eighty-five percent of the sentence imposed by the court or until the defendant
33 attains seventy years of age, and has served at least forty percent of the sentence imposed,
34 whichever occurs first.

35 4. For the purpose of determining the minimum prison term to be served, the following
36 calculations shall apply:

37 (1) A sentence of life shall be calculated to be thirty years;

38 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
39 crimes committed at or near the same time which is over seventy-five years shall be calculated
40 to be seventy-five years.

41 5. For purposes of this section, the term "minimum prison term" shall mean time
42 required to be served by the defendant before he is eligible for parole, conditional release or other
43 early release by the department of corrections. Except that the board of probation and parole,

44 in the case of consecutive sentences imposed at the same time pursuant to a course of conduct
45 constituting a common scheme or plan, shall be authorized to convert consecutive sentences to
46 concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit
47 attorney, that the sum of the terms results in an unreasonably excessive total term, taking into
48 consideration all factors related to the crime or crimes committed and the sentences received by
49 others similarly situated.

50 6. (1) A sentencing advisory commission is hereby created to consist of eleven members.
51 One member shall be appointed by the speaker of the house. One member shall be appointed
52 by the president pro tem of the senate. One member shall be the director of the department of
53 corrections. Six members shall be appointed by and serve at the pleasure of the governor from
54 among the following: the public defender commission; private citizens; a private member of the
55 Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be
56 appointed by the supreme court, one from a metropolitan area and one from a rural area. All
57 members of the sentencing commission appointed prior to August 28, 1994, shall continue to
58 serve on the sentencing advisory commission at the pleasure of the governor.

59 (2) The commission shall study sentencing practices in the circuit courts throughout the
60 state for the purpose of determining whether and to what extent disparities exist among the
61 various circuit courts with respect to the length of sentences imposed and the use of probation
62 for defendants convicted of the same or similar crimes and with similar criminal histories. The
63 commission shall also study and examine whether and to what extent sentencing disparity among
64 economic and social classes exists in relation to the sentence of death and if so, the reasons
65 therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties
66 relevant to the research and investigation of disparities in death penalty sentencing among
67 economic and social classes.

68 (3) The commission shall establish a system of recommended sentences, within the
69 statutory minimum and maximum sentences provided by law for each felony committed under
70 the laws of this state. This system of recommended sentences shall be distributed to all
71 sentencing courts within the state of Missouri. The recommended sentence for each crime shall
72 take into account, but not be limited to, the following factors:

73 (a) The nature and severity of each offense;
74 (b) The record of prior offenses by the offender;
75 (c) The data gathered by the commission showing the duration and nature of sentences
76 imposed for each crime; and

77 (d) The resources of the department of corrections and other authorities to carry out the
78 punishments that are imposed.

79 (4) The commission shall publish and distribute its system of recommended sentences

80 on or before July 1, 1995. The commission shall study the implementation and use of the system
81 of recommended sentences until July 1, 1998, and return a final report to the governor, the
82 speaker of the house of representatives, and the president pro tem of the senate. Following the
83 July 1, 1998, report, the commission may revise the recommended sentences every three years.

84 (5) The governor shall select a chairperson who shall call meetings of the commission
85 as required or permitted pursuant to the purpose of the sentencing commission.

86 (6) The members of the commission shall not receive compensation for their duties on
87 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
88 performance of these duties and for which they are not reimbursed by reason of their other paid
89 positions.

90 (7) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall cooperate
92 with the commission by providing information or access to information needed by the
93 commission. The office of the state courts administrator will provide needed staffing resources.

94 **7. If the imposition or execution of a sentence is suspended, the court may consider**
95 **ordering restorative justice methods pursuant to section 217.777, RSMo, including any or**
96 **all of the following, or any other method that the court finds just or appropriate:**

97 (1) Restitution to any victim for costs incurred as a result of the offender's actions;

98 (2) Offender treatment programs;

99 (3) Mandatory community services;

100 (4) Work release programs in local facilities; and

101 (5) Community-based residential and nonresidential programs.

102 **8. If the imposition or execution of a sentence is suspended, in addition to the**
103 **provisions of subsection 7 of this section, the court may order the assessment and payment**
104 **of a designated amount of money to a county crime reduction fund established by the**
105 **county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed**
106 **one thousand dollars for any charged offense. Any money deposited into the county crime**
107 **reduction fund pursuant to this section shall only be expended pursuant to the provisions**
108 **of section 50.555, RSMo. County crime reduction funds shall be audited as are all other**
109 **county funds.**

110 [7.] **9.** The provisions of this section shall apply only to offenses occurring on or after
111 August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems
2 reasonably necessary to ensure that the defendant will not again violate the law. When a
3 defendant is placed on probation he shall be given a certificate explicitly stating the conditions
4 on which he is being released.

5 2. In addition to such other authority as exists to order conditions of probation, the court
6 may order such conditions as the court believes will serve to compensate the victim, any
7 dependent of the victim, or society. Such conditions may include, but shall not be limited to:

8 (1) Restitution to the victim or any dependent of the victim, in an amount to be
9 determined by the judge; and

10 (2) The performance of a designated amount of free work for a public or charitable
11 purpose, or purposes, as determined by the judge.

12 **3. In addition to such other authority as exists to order conditions of probation, in**
13 **the case of a plea of guilty or a finding of guilt, the court may order the assessment and**
14 **payment of a designated amount of money to a county crime reduction fund established**
15 **by the county commission pursuant to section 50.555, RSMo. Such contribution shall not**
16 **exceed one thousand dollars for any charged offense. Any money deposited into the county**
17 **crime reduction fund pursuant to this section shall only be expended pursuant to the**
18 **provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are**
19 **all other county funds.**

20 [3.] **4.** The defendant may refuse probation conditioned on the performance of free work.
21 If he does so, the court shall decide the extent or duration of sentence or other disposition to be
22 imposed and render judgment accordingly. Any county, city, person, organization, or agency,
23 or employee of a county, city, organization or agency charged with the supervision of such free
24 work or who benefits from its performance shall be immune from any suit by the defendant or
25 any person deriving a cause of action from him if such cause of action arises from such
26 supervision of performance, except for an intentional tort or gross negligence. The services
27 performed by the defendant shall not be deemed employment within the meaning of the
28 provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall
29 not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

30 [4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to
31 the expiration or termination of the probation term.

32 **6. The defendant may refuse probation conditioned on a payment to a county crime**
33 **reduction fund. If he or she does so, the court shall decide the extent or duration of**
34 **sentence or other disposition to be imposed and render judgment accordingly. A judge**
35 **may order payment to a crime reduction fund only if such fund had been created prior to**
36 **sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall**
37 **not have any direct supervisory authority or administrative control over any fund to which**
38 **the judge is ordering the probationers to make payments. A defendant who fails to make**
39 **a payment or payments to a county crime reduction fund may not have his probation**
40 **revoked solely for failing to make such payment unless the judge, after evidentiary hearing,**

41 **makes a finding supported by a preponderance of the evidence that the defendant either**
42 **willfully refused to make the payment or that the defendant willfully, intentionally, and**
43 **purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.**

577.051. 1. A record of the [final] disposition in any court proceeding involving a
2 violation of any of the provisions of sections 577.005 to 577.023, or violation of county or
3 municipal ordinances involving alcohol- or drug-related driving offenses, [pleas of guilty,
4 findings of guilty, suspended imposition of sentence, suspended execution of sentence,
5 probation, conditional sentences and sentences of confinement] shall be forwarded to the
6 Missouri state highway patrol, or at the written direction of the Missouri state highway patrol,
7 to the department of revenue, within fifteen days by the clerk of the court in which the
8 proceeding was held and shall be entered by the highway patrol or department of revenue in the
9 Missouri uniform law enforcement system records. **Dispositions that shall be reported are**
10 **pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution**
11 **of sentence, probation, conditional sentences, sentences of confinement and any other such**
12 **dispositions that may be required under state or federal regulations.** The record forwarded
13 by the clerk shall clearly show the court, the court case number, the name, address, and motor
14 vehicle operator's or chauffeur's license number of the person who is the subject of the
15 proceeding, the code or number identifying the particular arrest, and any court action or
16 requirements pertaining thereto.

17 2. All records received by the Missouri state highway patrol or the department of revenue
18 under the provisions of this section shall be entered in the Missouri uniform law enforcement
19 system records and maintained by the Missouri state highway patrol. Records placed in the
20 Missouri uniform law enforcement system under the provisions of this section shall be made
21 available to any law enforcement officer in this state, any prosecuting or circuit attorney in this
22 state, or to any judge of a municipal or state court upon request.

23 3. Any person required by this section to furnish records to the Missouri state highway
24 patrol or department of revenue who willfully refuses to furnish such records shall be guilty of
25 a class C misdemeanor.

26 4. Records required to be filed with the Missouri state highway patrol or the department
27 of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be
28 filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to
29 July 1, 1983.

30 5. Forms and procedures for filing of records with the Missouri state highway patrol or
31 department of revenue as required in this chapter shall be promulgated by the director of the
32 department of public safety or department of revenue, as applicable, and approved by the
33 Missouri supreme court.

34 6. All record-keeping procedures required under the provisions of sections 577.005 to
35 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary
36 notwithstanding.

 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031,
10 RSMo.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
12 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
13 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to
14 the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of public
17 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
18 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
19 of health and senior services. Subject to appropriations made therefor, such funds shall be
20 distributed by the department of public safety to the crime laboratories serving the courts of this
21 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
22 to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted to
24 the payment of an annual appropriation for the administrative and operational costs of the office
25 for victims of crime and, if a statewide automated crime victim notification system is established
26 pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred
27 in the operation of such system. Additional remaining funds shall be subject to the following
28 provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055;

33 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the

34 funds available exceeds one million dollars plus one hundred percent of the previous twelve
35 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
36 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
37 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
38 victims' compensation fund and fifty percent to the services to victims' fund established in
39 section 595.100;

40 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
41 funds available is less than one million dollars plus one hundred percent of the previous twelve
42 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
43 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
44 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
45 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
46 established in section 595.100.

47 5. The director of revenue or such director's designee shall at least monthly report the
48 moneys paid pursuant to this section into the crime victims' compensation fund and the services
49 to victims fund to the division of workers' compensation and the department of public safety,
50 respectively.

51 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
52 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
53 Five percent of such moneys shall be payable to the city treasury of the city from which such
54 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
55 director of revenue. The funds received by the director of revenue pursuant to this subsection
56 shall be distributed as follows:

57 (1) On the first of every month, the director of revenue or the director's designee shall
58 determine the balance of the funds in the crime victims' compensation fund available to satisfy
59 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
60 595.050 and 595.055;

61 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the
62 funds available exceeds one million dollars plus one hundred percent of the previous twelve
63 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
64 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
65 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
66 victims' compensation fund and fifty percent to the services to victims' fund established in
67 section 595.100;

68 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
69 funds available is less than one million dollars plus one hundred percent of the previous twelve

70 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
71 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
72 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
73 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
74 established in section 595.100.

75 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
76 audit shall include all records associated with crime victims' compensation funds collected, held
77 or disbursed by any state agency.

78 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
79 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
80 compensation fund, of sixty-eight dollars [if the conviction is] **upon a plea of guilty or finding**
81 **of guilt** for a class A or B felony; forty-six dollars [if the conviction is] **upon a plea of guilty**
82 **or finding of guilt** for a class C or D felony; and ten dollars [if the conviction is] **upon a plea**
83 **of guilty or finding of guilt** for any misdemeanor under [the following] Missouri [laws:

84 (1) Chapter 195, RSMo, relating to drug regulations;

85 (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed
86 by persons not duly licensed by the supervisor of liquor control;

87 (3) Chapter 491, RSMo, relating to witnesses;

88 (4) Chapter 565, RSMo, relating to offenses against the person;

89 (5) Chapter 566, RSMo, relating to sexual offenses;

90 (6) Chapter 567, RSMo, relating to prostitution;

91 (7) Chapter 568, RSMo, relating to offenses against the family;

92 (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

93 (9) Chapter 570, RSMo, relating to stealing and related offenses;

94 (10) Chapter 571, RSMo, relating to weapons offenses;

95 (11) Chapter 572, RSMo, relating to gambling;

96 (12) Chapter 573, RSMo, relating to pornography and related offenses;

97 (13) Chapter 574, RSMo, relating to offenses against public order;

98 (14) Chapter 575, RSMo, relating to offenses against the administration of justice;

99 (15) Chapter 577, RSMo, relating to public safety offenses] **law except for those in**
100 **chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and**
101 **commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial**
102 **responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,**
103 **relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle**
104 **equipment regulations.** Any clerk of the court receiving moneys pursuant to such judgments
105 shall collect and disburse such crime victims' compensation judgments in the manner provided

106 by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
107 deposited to the credit of the crime victims' compensation fund.

108 9. [The clerk of the court processing such funds shall maintain records of all dispositions
109 described in subsection 1 of this section and all dispositions where a judgment has been entered
110 against a defendant in favor of the state of Missouri in accordance with this section; all payments
111 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
112 judgment entered but not collected. These records shall be subject to audit by the state auditor.
113 The clerk of each court transmitting such funds shall report separately the amount of dollars
114 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
115 compensation collections or services to victims collections.

116 10. The clerks of the court shall report all delinquent payments to the department of
117 revenue by October first of each year for the preceding fiscal year, and such sums may be
118 withheld pursuant to subsection 15 of this section.

119 11.] The department of revenue shall maintain records of funds transmitted to the crime
120 victims' compensation fund by each reporting court and collections pursuant to subsection [18]
121 **15** of this section and shall maintain separate records of collection for alcohol-related offenses.

122 [12. Notwithstanding any other provision of law to the contrary, the provisions of
123 subsections 9 and 10 of this section shall expire and be of no force and effect upon the effective
124 date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

125 13.] **10.** The state courts administrator shall include in the annual report required by
126 section 476.350, RSMo, the circuit court caseloads and the number of crime victims'
127 compensation judgments entered.

128 [14.] **11.** All awards made to injured victims under sections 595.010 to 595.105 and all
129 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
130 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
131 remaining in the crime victims' compensation fund at the end of each biennium shall not be
132 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
133 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
134 compensation fund. In the event that there are insufficient funds in the crime victims'
135 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
136 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
137 have again accumulated in the crime victims' compensation fund. When sufficient funds become
138 available from the fund, awards which have not been paid shall be paid in chronological order
139 with the oldest paid first. In the event an award was to be paid in installments and some
140 remaining installments have not been paid due to a lack of funds, then when funds do become
141 available that award shall be paid in full. All such awards on which installments remain due

shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[15.] 12. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[16.] 13. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[17.] 14. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[18.] 15. Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

Section 1. (1) Upon an individual's failure to pay court costs, fines, fees, or other sums ordered by a court as payable to the state, a court may report any such delinquencies in excess of twenty-five dollars to the office of state courts administrator and request that the state courts administrator seek a setoff of an income tax refund.

(2) The office of state courts administrator shall provide the department of revenue with the information necessary to identify each debtor whose refund is sought to be setoff and the amount of the debt or debts owed by each such debtor who is entitled to a refund in excess of twenty-five dollars.

(3) The department of revenue shall notify the office of state courts administrator that a refund has been setoff on behalf of a court and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department of revenue shall send the excess amount to the debtor within a reasonable time after such excess is determined.

14 **(4) The department of revenue shall notify the debtor by mail that a setoff has been**
15 **sought. The notice shall contain the following:**

16 **(a) The name of the debtor;**

17 **(b) The manner in which the debt arose;**

18 **(c) The amount of the claimed debt and the department's intention to setoff the**
19 **refund against the debt;**

20 **(d) The amount, if any, of the refund due after setoff of the refund against the debt;**
21 **and**

22 **(e) The right of the debtor to apply in writing to the court originally requesting**
23 **setoff for review of the setoff because the debt was previously satisfied.**

24

25 **Any debtor applying to the court for review of the setoff must file a written application**
26 **within thirty days of the date of mailing of the notice and send a copy of the application to**
27 **the office of state courts administrator. The application for review of the setoff shall**
28 **contain the name of the debtor, the case name and number from which the debt arose, and**
29 **the grounds for review. The court may upon application, or on its own motion, hold a**
30 **hearing on the application. The hearing shall be ancillary to the original action with the**
31 **only matter for determination whether the refund setoff was appropriate because the debt**
32 **was unsatisfied at the time the court reported the delinquency to the office of state courts**
33 **administrator and that the debt remains unsatisfied. In the case of a joint or combined**
34 **return, the notice sent by the department shall contain the name of the nonobligated**
35 **taxpayer named in the return, if any, against whom no debt is claimed. The notice shall**
36 **state that as to the nonobligated taxpayer that no debt is owed and that the taxpayer is**
37 **entitled to a refund regardless of the debt owed by such other person or persons named on**
38 **the joint or combined return. The nonobligated taxpayer may seek a refund as provided**
39 **in section 143.784, RSMo.**

40 **(5) Upon receipt of funds transferred from the department of revenue to the office**
41 **of state courts administrator pursuant to a refund setoff, the state courts administrator**
42 **shall deposit such funds in the state treasury to be held in an escrow account, which is**
43 **hereby established. Interest earned on those funds shall be credited to the escrow account**
44 **and used to offset administrative expenses. If a debtor files with a court an application for**
45 **review, the state courts administrator shall hold such sums in question until directed by**
46 **such court to release the funds. If no application for review is filed, the state courts**
47 **administrator shall, within forty-five days of receipt of funds from the department, send**
48 **to the clerk of the court in which the debt arose such sums as are collected by the**
49 **department of revenue for credit to the debtor's account.**

[57.290. 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 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, RSMo, and shall be payable to the county treasury.

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. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an

44 itemized statement of such sheriff's account, in which the sheriff shall give the name
45 of each convicted offender conveyed and the name of each guard actually employed,
46 with the number of miles necessarily traveled and the number of days required, which
47 in no case shall exceed three days, and which account shall be signed and sworn to
48 by such officer and accompanied by a certificate from the chief administrative officer
49 or such officer's designee of the reception and diagnostic center, that such convicted
50 offenders have been delivered at the reception and diagnostic center and were
51 accompanied by each of the officers and guards named in the account.

52 5. The sheriff or other officer who shall take a person, charged with a
53 criminal offense, from the county in which the offender is apprehended to that in
54 which the offense was committed, or who may remove a prisoner from one county
55 to another for any cause authorized by law, or who shall have in custody or under
56 such sheriff's or officer's charge any person undergoing an examination preparatory
57 to such person's commitment more than one day for transporting, safekeeping and
58 maintaining any such person, shall be allowed by the court having cognizance of the
59 offense, three dollars and fifty cents per day for every day such sheriff or officer may
60 have such person under such sheriff's or officer's charge, when the number of days
61 shall exceed one, and the mileage rate prescribed by this section for every mile
62 necessarily traveled in going to and returning from one county to another, and the
63 guard employed, who shall in no event exceed the number allowed the sheriff,
64 marshal or other officer in transporting convicted offenders to the reception and
65 diagnostic center, shall be allowed the same compensation as the officer. Three
66 dollars and fifty cents per day, mileage same as officer, shall be allowed for board
67 and all other expenses of each prisoner. No compensation shall be allowed under this
68 section for taking the prisoner or prisoners from one place to another in the same
69 county, excepting in counties which have two or more courts with general criminal
70 jurisdiction. In such counties the sheriff shall have the same fees for conveying
71 prisoners from the jail to place of trial as are allowed for conveying prisoners in like
72 cases from one county to another, and the expenses incurred in transporting prisoners
73 from one county to another, occasioned by the insufficiency of the county jail or
74 threatened mob violence, shall be paid by the county in which such case may have
75 originated; provided that the court is held at a place more than five miles from the
76 jail; and no court shall allow the expense of a guard, although it may have actually
77 been incurred, unless from the evidence of disinterested persons it shall be satisfied
78 that a guard was necessary; provided, that when the place of conviction is remote
79 from a railroad, upon which a convicted offender may be transported to the reception
80 and diagnostic center, the court before which such convicted offender is sentenced
81 may, for good cause shown, allow one guard for every two convicted offenders, such
82 guard to receive three dollars a day and the mileage rate prescribed by this section for
83 every mile necessarily traveled in going to and returning from the nearest depot on
84 said railroad to the place where such convicted offender was sentenced.

85 6. The charges provided in subsection 1 of this section shall be taxed as other
86 costs in criminal procedure immediately after conviction of any defendant in any

87 criminal procedure. The clerk shall tax all the costs in the case against such
88 defendant, which shall be collected and disbursed as provided by sections 488.010
89 to 488.020, RSMo; provided, that no such charge shall be collected in any proceeding
90 in any court when the proceeding or the defendant has been dismissed by the court;
91 provided further, that all costs, incident to the issuing and serving of writs of scire
92 facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall
93 in no case be paid by the state, but such costs incurred under writs of fieri facias and
94 scire facias shall be paid by the defendant and such defendant's sureties, and costs for
95 attachments for witnesses shall be paid by such witnesses.

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

2 [67.133. 1. A fee of ten dollars shall be assessed in all cases in which the
3 defendant is convicted of a nonfelony violation of any provision of chapters 252, 301,
4 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law,
5 twenty-five dollars in all misdemeanor cases otherwise provided by law, and
6 seventy-five dollars in all felony cases, in criminal cases including violations of any
7 county ordinance or any violation of a criminal or traffic law of the state, except that
8 no such fees shall be collected in any proceeding in any court when the proceeding
9 or the defendant has been dismissed by the court or when costs are to be paid by the
10 state, county or municipality. All fees collected under the provisions of this section
11 shall be collected and disbursed in the manner provided by sections 488.010 to
12 488.020, RSMo, and payable to the county treasurer who shall deposit those funds
13 in the county treasury.

14 2. Counties shall be entitled to a judgment in the amount of twenty-five
15 percent of all sums collected on recognizances given to the state in criminal cases,
16 which are or may become forfeited, if not more than five hundred dollars, and fifteen
percent of all sums over five hundred dollars, to be paid out of the amount collected.]

2 [517.141. On demand of any person interested therein, whether by
3 assignment or otherwise, every clerk or officer who shall be in possession of the
4 record of judgment shall give to such person a certified transcript of such judgment.
5 Upon production of any such transcript, the clerk of the circuit court of the county in
6 which the judgment was rendered shall record the same in his permanent record of
circuit court judgments, and note therein the date and hour of its filing.]