

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1962**  
**91ST GENERAL ASSEMBLY**

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Taken up for Perfection April 16, 2002.

House Substitute for House Committee Substitute for House Bill No. 1962 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

4713L.04P

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**AN ACT**

To repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 482.330, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015 and 621.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-six new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 482.330, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015 and 621.045, RSMo, are repealed and sixty-six new sections enacted in lieu thereof, to be known as sections 43.530, 43.540, 50.333, 50.550, 50.555, 59.040, 59.042, 143.782, 287.780, 374.770, 473.750, 476.058, 476.061,

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

9 476.270, 476.340, 476.385, 477.650, 482.330, 483.245, 488.005, 488.012, 488.031, 488.445,  
10 488.2250, 488.2253, 488.2300, 488.4014, 488.5021, 488.5320, 491.300, 494.410, 494.415,  
11 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.151,  
12 537.605, 550.130, 550.135, 550.140, 550.180, 550.190, 550.230, 550.295, 550.300, 558.019,  
13 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015, 621.040, 621.045, 640.805, 1,  
14 2, 3 and 4, to read as follows:

43.530. For each request received by the central repository, as defined in subdivision (1)  
2 of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request  
3 for criminal history record information and pay a fee of not more than fourteen dollars per  
4 request for classification and search of fingerprints. Each such request shall be limited to check  
5 and search on one individual. Each request shall be accompanied by a check, warrant, voucher,  
6 or money order payable to the state of Missouri-criminal record system. **The highway patrol**  
7 **may establish procedures for receiving requests for criminal history record information**  
8 **from courts and others and for classification and search for fingerprints and for paying**  
9 **for such requests by electronic means.** There is hereby established by the treasurer of the state  
10 of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the  
11 provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into  
12 this fund are not totally expended annually for the purposes set forth in section 43.527, the  
13 unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the  
14 fund to accumulate from year to year.

43.540. 1. As used in this section, the following terms mean:

2 (1) "Criminal record review", a request to the highway patrol for information concerning  
3 any criminal history record for a felony or misdemeanor **and any offense for which the person**  
4 **has registered pursuant to sections 589.400 to 589.425, RSMo;**

5 (2) "Patient or resident", a person who by reason of aging, illness, disease or physical or  
6 mental infirmity receives or requires care or services furnished by a provider, as defined in this  
7 section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in  
8 a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive  
9 hours;

10 (3) "Patrol", the Missouri state highway patrol;

11 (4) "Provider", any licensed day care home, licensed day care center, licensed child  
12 placing agency, licensed residential care facility for children, licensed group home, licensed  
13 foster family group home, licensed foster family home or any operator licensed pursuant to  
14 chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent  
15 placement in health care facilities or any entity licensed pursuant to chapter 197, RSMo;

16 (5) "Youth services agency", any public or private agency, school, or association which

17 provides programs, care or treatment for or which exercises supervision over minors.

18       2. Upon receipt of a written request from a private investigatory agency, a youth service  
19 agency or a provider, with the written consent of the applicant, the highway patrol shall conduct  
20 a criminal record review of an applicant for a paid or voluntary position with the agency or  
21 provider if such position would place the applicant in contact with minors, patients or residents.

22       3. Any request for information made pursuant to the provisions of this section shall be  
23 on a form provided by the highway patrol and shall be signed by the person who is the subject  
24 of the request.

25       4. The patrol shall respond in writing to the youth service agency or provider making a  
26 request for information pursuant to this section and shall inform such youth service agency or  
27 provider of the **address and offense for which the offender registered pursuant to sections**  
28 **589.400 to 589.425, RSMo, and the** nature of the offense, and the date, place and court **for any**  
29 **other offenses contained in the criminal record review**. Notwithstanding any other provision  
30 of law to the contrary, the youth service agency or provider making such request shall have  
31 access to all records of arrests resulting in an adjudication where the applicant was found guilty  
32 or entered a plea of guilty or nolo contendere in a prosecution pursuant to chapter 565, RSMo,  
33 sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for  
34 offenses described in sections 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the  
35 period of any probation imposed by the sentencing court.

36       5. Any information received by a provider or a youth services agency pursuant to this  
37 section shall be used solely for the provider's or youth service agency's internal purposes in  
38 determining the suitability of an applicant or volunteer. The information shall be confidential and  
39 any person who discloses the information beyond the scope allowed in this section is guilty of  
40 a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services agency  
41 of the requirements of this subsection and the penalties provided in this subsection at the time  
42 it releases any information pursuant to this section.

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

2       2. The **county** clerk [of the circuit court of the judicial circuit] in which such county is  
3 located shall set a date, time and place for the salary commission meeting and serve as temporary  
4 chairman of the salary commission until the members of the commission elect a chairman from  
5 their number. Upon written request of a majority of the salary commission members the **county**  
6 clerk [of the circuit court] shall forthwith set the earliest date possible for a meeting of the salary  
7 commission. The [circuit] **county** clerk shall give notice of the time and place of any meeting  
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 known 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 county crime reduction fund is to be used only as a supplement to the law**  
25 **enforcement 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.**

**59.040. 1. In a county of the third class, the question of combining the offices of**  
2 **circuit clerk and recorder or separating the offices may be submitted to the voters of the**  
3 **county by the county commission and shall be submitted by the county commission upon**  
4 **the petition of voters who comprise at least eight percent of the voters of the county as**  
5 **determined by the total vote for governor at the last preceding general election at which**



6 a governor was elected.

7       **2. If the two offices are separate and the question is to combine the two offices, the**  
8 **question shall be submitted in substantially the following form:**

9       **Shall the offices of the circuit clerk and recorder in .....(name of county)**  
10 **county be combined?**

11       **3. If the two offices are combined and the question is to separate the two offices, the**  
12 **question shall be submitted in substantially the following form:**

13       **Shall the offices of circuit clerk and recorder in .....(name of county)**  
14 **county be separated?**

15       **4. The submission of the question provided for in this section may be made at the**  
16 **November election in 2004, or any fourth year thereafter. Any consolidation or separation**  
17 **brought about as a result of the provisions of this section shall not become effective until**  
18 **the expiration of the term of office of the officers affected.**

59.042. In any county where the offices of the clerk of the circuit court and the recorder  
2 of deeds are combined, the governing body of said county [,by public vote,] may, **by their own**  
3 **action in public session or under the provisions of 59.040**, authorize the separation of the two  
4 offices. Thereafter the recorder of deeds shall be elected pursuant to section 59.020.

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.**

287.780. No employer or agent, **including the state or any agency, department, or**

2 **division thereof**, shall discharge or in any way discriminate against any employee for exercising  
3 any of [his] **the employee's** rights under this chapter. Any employee who has been discharged  
4 or discriminated against shall have a civil action for damages against [his] **their** employer. **For**  
5 **purposes of this section, the state waives its sovereign immunity and submits to suit for**  
6 **claims up to the limits established in section 537.610, RSMo.**

374.770. 1. If there is a breach of the contract of the bond, the court in which the case  
2 is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that  
3 the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered  
4 because the defendant is incarcerated somewhere within the United States, the surety is  
5 responsible for the return of the defendant **and shall be liable for all costs incurred by the**  
6 **state or county in returning the defendant, which costs shall be assessed against the bond**  
7 **prior to the release of the surety. However, said surety shall not be responsible for said**  
8 **costs if the surety wants to return said defendant to the jurisdiction in which the case is**  
9 **pending and the jurisdiction in which the defendant is held will not release said defendant**  
10 **to the surety.** If bond forfeiture is ordered and the surety can subsequently prove the defendant  
11 is incarcerated somewhere within the United States, then the bond forfeiture shall be set aside  
12 and the surety be responsible for the return of the defendant **and shall be liable for all costs**  
13 **incurred by the state or county in returning the defendant, which costs shall be assessed**  
14 **against the bond prior to the release of the surety. However, said surety shall not be**  
15 **responsible for said costs if the surety wants to return said defendant to the jurisdiction in**  
16 **which the case is pending and the jurisdiction in which the defendant is held will not**  
17 **release said defendant to the surety.** When the surety notifies the court of the whereabouts of  
18 the defendant, a hold order shall be placed by the court having jurisdiction on the defendant in  
19 the state in which the defendant is being held.

20 2. In all instances in which a bail bond agent or general bail bond agent duly licensed by  
21 sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented  
22 himself in violation of the condition of such bond, the bail bond agent or general bail bond agent  
23 shall have the first opportunity to return such defendant to the proper court. If he is unable to  
24 return such defendant, the state of Missouri shall return such defendant to the proper court for  
25 prosecution, and all costs incurred by the state in so returning a defendant may be levied against  
26 the bail bond agent or general bail bond agent in question.

473.750. 1. In addition to the provisions of sections 473.730 to 473.767, [he and his]  
2 **a public administrator and the public administrator's** securities shall have the same powers  
3 as are conferred upon, and be subject to the same duties, penalties, provisions and proceedings  
4 as are enjoined upon or authorized against personal representatives, guardians and conservators  
5 by chapters 472 to 475, RSMo, so far as the same may be applicable. [He] **The public**

6 **administrator** shall have power to administer oaths and affirmations in all matters relating or  
7 belonging to the exercise of [his] **the office of public administrator.**

8 **2. Notwithstanding the provisions of chapter 475, RSMo, relating to the verification**  
9 **of securities and bank deposits, the public administrator of a county with a charter form**  
10 **of government with more than six hundred thousand but less than seven hundred thousand**  
11 **inhabitants, subject to the conditions imposed by and with the approval of the judge of the**  
12 **probate division of such county, may utilize computerized data management software to**  
13 **maintain financial records of estates of decedents, minors and disabled persons and to**  
14 **prepare and file settlements of the accounts of such estates.**

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 proceeding, juvenile**  
5 **proceeding, including any investigation, interview or any other proceeding regarding the**

6 juvenile, or domestic violence actions commenced pursuant to sections 455.010 to 455.085,  
7 RSMo, or sections 455.500 to 455.538, RSMo, shall be allowed a reasonable fee approved  
8 by the court. If the person requiring an interpreter or translator during the proceeding  
9 is a party to or a witness in the proceeding, such fee shall be payable by the state from  
10 funds 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.

476.270. All expenditures accruing in the circuit courts, except salaries and clerk hire  
2 which is [payable] paid by the state, except all expenditures accruing in the municipal divisions  
3 of the circuit court, and except as otherwise provided by law, shall be paid out of the treasury of  
4 the county in which the court is held in the same manner as other demands.

476.340. 1. The governing body of the conference, between annual sessions, shall be  
2 the executive council. The executive council shall consist of the following members:

3 (1) The chief justice of the supreme court, or some member of the supreme court  
4 appointed by him;

5 (2) Two other members of the supreme court appointed by the supreme court;

6 (3) One member of each district of the court of appeals elected by the judges thereof,  
7 respectively;

8 (4) Eight circuit judges, other than judges of the probate division, three of whom shall  
9 be elected for three-year terms, one from each district of the court of appeals, by the circuit  
10 judges, other than judges of the probate division, of the district to represent each of the districts  
11 of the court of appeals, respectively. A judge whose circuit is in part in more than one district  
12 of the court of appeals may vote in and be elected to represent either district but not both. Five  
13 of the circuit judges on the council shall be elected for three-year terms by the circuit judges of  
14 the state;

15 (5) One judge of the probate division of circuit courts in counties having a population  
16 of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate  
17 divisions of the circuit courts in such counties;

18 (6) Three associate circuit judges elected for three-year terms, one from each district of  
19 the court of appeals, by the associate circuit judges of the district to represent each of the districts  
20 of the court of appeals, respectively;

21 (7) Three other associate circuit judges elected for three-year terms by the associate  
22 circuit judges of the state;

23 (8) One associate circuit judge from counties having a population of thirty thousand  
24 inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

25 (9) One retired judge or commissioner who is a member of the judicial conference  
26 elected for a three-year term by such judges and commissioners. Members of the executive  
27 council on August 28, [1993] **2002**, shall serve out their terms and their replacements shall be  
28 elected under the provisions of this section. **Vacancies shall be filled for the unexpired term**  
29 **of any member as provided by resolution of the judicial conference.**

30 2. The executive council shall have general supervision of the work of the conference  
31 and such other duties and authority as may be given to it under rules or resolutions adopted by  
32 the conference. The members of the executive council shall elect one of its members vice  
33 president to act in the absence of the chief justice.

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.

**477.650. 1. There is hereby established a "Basic Civil Legal Services Fund" to be  
2 administered by, or under the direction of, the Missouri supreme court. All moneys  
3 collected pursuant to section 488.031, RSMo, shall be credited to the fund. In addition to  
4 the court filing surcharges, funds from other public or private sources also may be  
5 deposited into the fund and all earnings of the fund shall be credited to the fund. Fund  
6 moneys shall not be considered to be state funds or subject to appropriation. The purpose  
7 of this section is to increase the funding available for basic civil legal services to eligible  
8 low-income persons as such persons are defined by the Federal Legal Services'  
9 Corporation Income Eligibility Guidelines.**

10 **2. Funds in the basic civil legal services fund shall be allocated annually and  
11 expended to provide legal representation to eligible low-income persons in the state in civil  
12 matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund  
13 shall, at least as often as annually, be distributed to the legal services organizations in  
14 Missouri which qualify for federal Legal Services Corporation funding. The funds so**

15 distributed shall be used by legal services organizations in Missouri solely to provide legal  
16 services to eligible low-income persons as such persons are defined by the federal Legal  
17 Services' Corporation Income Eligibility Guidelines. Fund money shall be subject to all  
18 restrictions imposed on such legal services organizations by law. Funds shall be allocated  
19 to the programs according to the funding formula employed by the Legal Services  
20 Corporation for the distribution of funds to Missouri. Moneys in the basic civil legal  
21 services fund shall be considered nonstate funds under the provisions of article IV, section  
22 15 of the Missouri Constitution.

23 3. The Missouri supreme court, or a person or organization designated by the  
24 court, is the administrator and shall administer the fund in such manner as determined by  
25 the Missouri supreme court, including in accordance with any rules and policies adopted  
26 by the Missouri supreme court for such purpose.

27 4. Each recipient of funds from the basic civil legal services fund shall maintain  
28 appropriate records accounting for the receipt and expenditure of all funds distributed and  
29 received pursuant to this section. These records must be maintained for a period of five  
30 years from the close of the fiscal year in which such funds are distributed or received or  
31 until audited, whichever is sooner. All funds distributed or received under this section are  
32 subject to audit by the Missouri supreme court or the state auditor.

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.**

483.245. 1. The provisions of this section shall become effective on July 1, 1981.

2 2. The circuit clerk, or person exercising the authority of the circuit clerk pursuant to



3 county charter, shall appoint all deputy circuit clerks, including deputy circuit clerks serving in  
4 courtrooms, and shall prescribe and assign the duties of such deputy circuit clerks. The circuit  
5 clerk may remove from office any deputy circuit clerk whom he appoints. All division clerks,  
6 as defined in section 483.241, shall be appointed by the judge of the division such clerks serve,  
7 and such judge may remove from office any division clerk whom he appoints.

8         3. Notwithstanding the provisions of subsection 2 of this section, if, on June 30, 1981,  
9 in any county or in the city of St. Louis, there exists by reason of local charter, a plan of merit  
10 selection and retention or other similar personnel plan, providing for selection, tenure or  
11 retention of deputy circuit clerks or division clerks, after July 1, 1981, as to clerical personnel  
12 who were, on June 30, 1981, under such a plan, the provisions for merit retention and tenure  
13 shall continue to apply as to such persons insofar as is reasonably possible even though they are  
14 paid by the state and become state employees, and the circuit court en banc shall be considered  
15 as the commission or board for determining the propriety of any disciplinary or dismissal action.

16         4. In addition to the authority to remove deputy circuit clerks and division clerks  
17 hereinabove provided, the circuit court en banc may remove from office a deputy circuit clerk  
18 or division clerk for cause.

19         5. The maximum number of deputy circuit clerks for each county and the maximum  
20 number of division clerks for a particular division shall be determined by order of the circuit  
21 court en banc. Such order may be modified for cause by order of the supreme court, or if no order  
22 is entered providing for the number of deputy circuit clerks and division clerks, the supreme  
23 court may enter such order.

24         6. The salaries of deputy circuit clerks and division clerks shall be established by the  
25 circuit clerk in the case of deputy circuit clerks, or the judge appointing the division clerk in the  
26 case of division clerks, within salary ranges and classifications which may from time to time be  
27 established by administrative rule of the supreme court within the limit of funds appropriated for  
28 this purpose. The salaries of deputy circuit clerks and division clerks shall be paid by the state,  
29 and they shall be state employees.

30         **7. Notwithstanding the provisions of subsection 6 of this section, in any county of**  
31 **the first classification with more than one hundred eighty-four thousand but less than one**  
32 **hundred eighty-four thousand one hundred inhabitants which contains all or a portion of**  
33 **a city with a population of at least three hundred thousand inhabitants, the county**  
34 **commission may vote to pay the salaries of deputy circuit clerks and division clerks directly**  
35 **from county funds.**

36         8. Notwithstanding the other provisions of this section providing for the establishment  
37 of the number of deputy circuit clerks and division clerks serving the various circuit courts and  
38 the determination of their salaries, such determinations shall not be construed as mandating

39 appropriations to fund such positions, and the payment of the salaries and emoluments of deputy  
40 circuit clerks and division clerks shall be subject to the availability of moneys appropriated for  
41 those purposes by the general assembly or federal grant moneys.

42 [8.] 9. For purposes of this section, the circuit court en banc shall be deemed to include  
43 all circuit and associate circuit judges of the entire circuit, and determinations or orders of the  
44 circuit court en banc shall be by action of a majority of such judges in office.

488.005. Notwithstanding any other provision of law to the contrary, whether enacted  
2 before, on or after August 28, 1996, no clerk of any court shall collect any surcharge authorized  
3 by or pursuant to any ordinance, order or resolution which provides that the effective date to  
4 commence imposition of such surcharge is on or after January 1, 1997, **unless such ordinance,**  
5 **order or resolution is authorized by statute.**

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] **Up to eighteen** dollars for municipal court costs, fifteen dollars for  
20 municipal ordinance violations filed before an associate circuit judge and thirty dollars for  
21 applications for a trial de novo of a municipal ordinance violation, pursuant to section 479.260,  
22 RSMo; **provided, however, that after the eighteen dollar limit for municipal court costs has**  
23 **been reached, such limit may be increased every three years by the same percentage as the**  
24 **increase in the general price level for the preceding year as measured by the Consumer**  
25 **Price Index for All Urban Consumers for the United States, or its successor index, as**

26 **defined and officially recorded by the United States Department of Labor or its successor**  
27 **agency;**

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

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

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

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

35 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section  
36 483.530, RSMo;

37 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to  
38 section 483.530, RSMo;

39 (13) Fifteen dollars for each associate circuit court case filed[, and one dollar for each  
40 additional summons issued in such cases,] pursuant to section 483.530, RSMo;

41 (14) Forty-five dollars for applications for trial de novo from small claims court and  
42 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,  
43 RSMo;

44 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section  
45 483.535, RSMo;

46 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,  
47 RSMo, when the value of the estate is:

48 (a) Less than \$10,000 ..... \$75.00

49 (b) From \$10,000 to \$25,000 ..... 115.00

50 (c) From \$25,000 to \$50,000 ..... 155.00

51 (d) From \$50,000 to 100,000 ..... 245.00

52 (e) From \$100,000 to \$500,000 ..... 305.00

53 (f) More than \$500,000 ..... 365.00;

54 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,  
55 pursuant to section 483.580, RSMo;

56 (18) In proceedings regarding guardianships and conservatorships, pursuant to section  
57 483.580, RSMo:

58 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;

59 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

60 (c) Sixty dollars for each grant of letters for guardianship of the person and  
61 conservatorship of the estate of a minor;

- 62 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's  
 63 estate case remains open;
- 64 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of  
 65 incapacitated persons and their estates;
- 66 (f) Thirty dollars for each additional twelve months an incapacitated person's case  
 67 remains open;
- 68 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an  
 69 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section  
 70 483.580, RSMo;
- 71 (20) In probate proceedings, pursuant to section 483.580, RSMo:
- 72 (a) Thirty-five dollars for the collection of small estates;
- 73 (b) Thirty-five dollars for involuntary hospitalization proceedings;
- 74 (c) Thirty dollars for proceedings to determine heirship;
- 75 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
- 76 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
- 77 (f) Forty dollars for proceedings to dispense with administration;
- 78 (g) Twenty dollars for proceedings to dispense with conservatorship;
- 79 (h) Twenty-five dollars for admitting a will to probate;
- 80 (i) One dollar per copied page and one dollar and fifty cents per certificate;
- 81 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section  
 82 485.100, RSMo;
- 83 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;
- 84 (23) Three dollars for witness fees per day, and four dollars when the witness must travel  
 85 to another county, pursuant to section 491.280, RSMo.

**488.031. 1. In addition to other fees authorized by law, the clerk of each court shall  
 2 collect the following fees on the filing of any civil or criminal action or proceeding,  
 3 including an appeal:**

4	<b>Supreme court and courts of appeals . . . . .</b>	<b>\$20.00;</b>
5	<b>Circuit courts . . . . .</b>	<b>\$10.00;</b>
6	<b>Associate circuit courts . . . . .</b>	<b>\$5.50;</b>
7	<b>Small claims courts . . . . .</b>	<b>no additional fee.</b>

8 **2. Court filing surcharges under this section shall be collected in the same manner**  
 9 **as other fees, fines, or costs in the case. The amounts so collected shall be paid by the clerk**  
 10 **to the office of the state court administrator and credited to the special fund designated as**  
 11 **the basic civil legal services fund. However, the additional fees prescribed by this section**  
 12 **shall not be collected when a criminal proceeding or defendant has been dismissed by the**

13 **court or when costs are waived or are to be paid by the state, county, municipality, or other**  
14 **political subdivision of the state.**

488.445. 1. The governing body of any county, or of any city not within a county, by  
2 order or ordinance [to be effective prior to January 1, 2001], may impose a fee upon the issuance  
3 of a marriage license and may impose a surcharge upon any civil case filed in the circuit court.  
4 The surcharge shall not be charged when costs are waived or are to be paid by the state, county  
5 or municipality.

6 2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall  
7 be paid by the person applying for the license and shall be collected by the recorder of deeds at  
8 the time the license is issued. The surcharge imposed upon the filing of a civil action shall be  
9 two dollars, shall be paid by the party who filed the petition and shall be collected and disbursed  
10 by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such amounts  
11 shall be payable to the treasuries of the counties from which such surcharges were paid.

12 3. At the end of each month, the recorder of deeds shall file a verified report with the  
13 county commission of the fees collected pursuant to the provisions of subsection 2 of this  
14 section. The report may be consolidated with the monthly report of other fees collected by such  
15 officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the  
16 county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer  
17 shall deposit all such fees upon receipt in a special fund to be expended only to provide financial  
18 assistance to shelters for victims of domestic violence as provided in sections 455.200 to  
19 455.230, RSMo.

488.2250. 1. For all transcripts of testimony given or proceedings had in any circuit  
2 court, the court reporter shall receive the sum of [one dollar and fifty cents] **two dollars and**  
3 **twenty-five cents** per twenty-five line page for the original of the transcript, and the sum of  
4 [thirty-five] **fifty** cents per twenty-five line page for each [carbon] copy thereof; the page to be  
5 approximately eight and one-half inches by eleven inches in size, with left-hand margin of  
6 approximately one and one-half inches and the right-hand margin of approximately one-half  
7 inch; answer to follow question on same line when feasible; such page to be designated as a legal  
8 page. Any judge, in his **or her** discretion, may order a transcript of all or any part of the  
9 evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by  
10 the state upon a voucher approved by the court, and taxed against the state. In criminal cases  
11 where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the  
12 defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the  
13 court shall order the court reporter to furnish three transcripts in duplication of the notes of the  
14 evidence, for [the original of] which he **or she** shall receive [one dollar and fifty cents] **two**  
15 **dollars and twenty-five cents** per [legal] **twenty-five line** page and for [the] **additional** copies

16 [twenty] **fifty** cents per page. The payment of court reporter's fees provided in this section shall  
17 be made by the state upon a voucher approved by the court.

18 **2. Beginning January 1, 2004, the amounts a court reporter shall receive for**  
19 **transcripts described in subsection 1 of this section shall be increased or decreased on an**  
20 **annual basis, effective January first of each year, in accordance with the Implicit Price**  
21 **Deflator for Personal Consumption Expenditures as published by the Bureau of Economic**  
22 **Analysis of the United States Department of Commerce. The current value of the**  
23 **limitation shall be calculated by the director of the department of insurance, who shall**  
24 **furnish that value to the secretary of state, who shall publish such value in the Missouri**  
25 **Register each year, as soon after the first day of January as practical, but shall be**  
26 **otherwise exempt from the provisions of section 536.021, RSMo.**

488.2253. In every contested case, or case in which the evidence is to be preserved,  
2 except for the collection of delinquent or back taxes, before any circuit judge when an official  
3 court reporter is appointed, the clerk of said court shall tax up the sum of [fifteen] **twenty-five**  
4 dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the  
5 state.

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 to 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  
2 reasonable fee approved by the court.

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

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

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

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

19 [3.] 4. **The names of potential jurors on the** master jury list shall be considered a public  
20 record. The master jury list and copies of all records used in compiling the list shall be retained  
21 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  
2 commissioners there shall be drawn at random from the master jury list the names or identifying  
3 numbers of as many prospective jurors as the court may require. The board of jury  
4 commissioners shall cause to be served in a manner prescribed by law for the service of  
5 summons or by ordinary mail, as determined by the board, a summons for jury service and a juror  
6 qualification form. The juror qualification form shall be approved by the circuit court en banc  
7 and shall:

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

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

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

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

27 **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.**

494.425. The following persons shall be disqualified from serving as a petit or grand  
2 juror:

3 (1) Any person who is less than [twenty-one] **eighteen** years of age;

4 (2) Any person not a citizen of the United States;

5 (3) Any person not a resident of the county or city not within a county served by the  
6 court issuing the summons;

7 (4) Any person who has been convicted of a felony, unless such person has been restored  
8 to [his] **such person's** civil rights;

9 (5) Any person unable to read, speak and understand the English language;

10 (6) Any person on active duty in the armed forces of the United States or any member  
11 of the organized militia on active duty under order of the governor;

12 (7) Any licensed attorney at law;

13 (8) Any judge of a court of record;

14 (9) Any person who, in the judgment of the court or the board of jury commissioners,  
15 is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused  
2 from service as a petit or grand juror:

3 (1) Any person actually performing the duties of a clergyman;

4 (2) Any person who has served on a state or federal petit or grand jury within the  
5 preceding year;

6 (3) Any person whose absence from [his] **such person's** regular place of employment  
7 would, in the judgment of the court, tend materially and adversely to affect the public safety,  
8 health, welfare or interest;

9 (4) Any person upon whom service as a juror would in the judgment of the court impose  
10 an extreme hardship;

11 (5) Any person licensed to engage in and actively engaged in the practice of medicine,  
12 osteopathy, chiropractic, dentistry, or pharmacy.

506.060. 1. In computing any period of time prescribed or allowed by this code, by order  
2 of court, or by any applicable statute, the day of the act, event or default after which the  
3 designated period of time begins to run is not to be included. The last day of the period so  
4 computed is to be included, unless it is a **Saturday**, Sunday or a legal holiday, in which event  
5 the period runs until the end of the next day which is neither a **Saturday**, Sunday nor a legal  
6 holiday. When the period of time prescribed or allowed is less than seven days, intermediate  
7 **Saturdays**, Sundays and legal holidays shall be excluded in the computation. [A half holiday  
8 shall be considered as other days and not as a legal holiday.]

9 2. When by this code or by a notice given thereunder or by order of the court an act is  
10 required or allowed to be done at or within a specified time, the court for cause shown may, at  
11 any time in its discretion

12 (1) With or without motion or notice, order the period enlarged if application therefor  
13 is made before the expiration of the period originally prescribed or as extended by a previous  
14 order; or

15 (2) Upon motion permit the act to be done after the expiration of the specified period  
16 where the failure to act was the result of excusable neglect; but it may not enlarge the period for  
17 filing a motion for or granting a new trial, or for commencing an action or taking an appeal as  
18 provided by this code.

19           3. The period of time provided for the doing of any act or the taking of any proceeding  
20 is not affected or limited by the expiration of a term of court. The expiration of a term of court  
21 in no way affects the power of a court to do any act or take any proceeding in any civil action  
22 which it is otherwise by law authorized to take and which is pending before it.

23           4. A written motion, other than one which may be heard ex parte, and notice of the  
24 hearing thereof shall be served not later than five days before the time specified for the hearing,  
25 unless a different period is fixed by law or court rule or by order of the court. Such an order may  
26 for cause shown be made on ex parte application. When a motion is supported by an affidavit,  
27 the affidavit shall be served with the motion; and, except as otherwise provided by law in  
28 connection with motion for new trial, opposing affidavits may be served not later than one day  
29 before the hearing, unless the court permits them to be served at some other time.

          510.120. In all civil cases **or administrative proceedings** or in criminal cases pending  
2 in [any court of] this state at any time when the general assembly is in **regular** session, **veto**  
3 **session, special session, or holding out-of-session committee hearings**, it shall be a sufficient  
4 cause for a continuance if it shall appear to the court, by affidavit, that any party applying for  
5 such continuance, or any attorney, solicitor or counsel of such party is a member of either house  
6 of the general assembly, and in actual attendance on the **out-of-session committee hearings**,  
7 **regular session, special session, or veto session**, of the same, and that the attendance of such  
8 party, attorney, solicitor or counsel is necessary to a fair and proper trial or other proceeding in  
9 such suit; and on the filing of such affidavit the court shall continue such suit and any and all  
10 motions or other proceedings therein, of every kind and nature, including the taking of  
11 depositions **and discovery responses**, and thereupon no trial or other proceedings of any kind  
12 or nature shall be had therein until the adjournment or recess for twenty days or more of the  
13 **regular session, special session, or veto session** of the general assembly, nor for ten days  
14 [thereafter] **before or after, or the day of any out-of-session committee hearings**. Such  
15 affidavit shall be sufficient, if made at any time during the **out-of-session committee hearings**,  
16 **regular session, special session, or veto session** of the general assembly, showing that at the  
17 time of making the same such party, attorney, solicitor or counsel is in actual attendance upon  
18 such **out-of-session committee hearings, regular session, special session, or veto session** of  
19 the general assembly.

          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 circuit clerks, within five days after the  
2 rendition of any final judgment in their respective courts, to enter an abstract of such judgment  
3 in the record as required in section 511.500; and each circuit clerk shall immediately enter the  
4 same when the abstract aforesaid shall be furnished to such clerk by any party interested, or such  
5 party's agent; and each] **1. Each circuit clerk shall cause to be entered, as required pursuant**  
6 **to section 511.500, an abstract of every final judgment entered by the court. The abstract**  
7 **shall be entered within five days after the rendition of any final judgment or immediately**  
8 **when the abstract shall be furnished to such clerk by any party interested or such party's**  
9 **agent, whichever is earlier. Each of the clerks and their sureties shall be respectively liable for**  
10 **any damage occasioned by any neglect to perform the duties hereby required of them**  
11 **respectively]; and it is further provided, that whenever].**

12 **2. Whenever** any personal representative, guardian or conservator, or any party  
13 interested, or such party's agent, shall exhibit to the circuit clerk of the circuit court wherein such  
14 judgment may be recorded a receipt or certificate of the proper officer, stating that such judgment  
15 has been duly satisfied, then the circuit clerk shall, without further fee, [enter] **cause to be**  
16 **entered** satisfaction of such judgment in such clerk's office in the record as required in section  
17 511.500.

18 **3. For the purposes of this section, the clerk may direct deputy or division clerks**  
19 **to perform all duties necessary to ensure the proper entry of abstracts and satisfactions of**  
20 **judgment.**

516.200. [If at any time when any cause of action herein specified accrues against any  
2 person who is a resident of this state, and he is absent therefrom, such action may be commenced  
3 within the times herein respectively limited, after the return of such person into the state; and if,  
4 after such cause of action shall have accrued, such person depart from and reside out of this state,  
5 the time of his absence shall not be deemed or taken as any part of the time limited for the  
6 commencement of such action] **The statutes of limitations contained in chapters 516 and 537**

7 may be extended for an additional period not to exceed two years if the court finds that the  
8 defendant has taken any action that hinders the plaintiff's ability to identify or serve the  
9 defendant, even if any long-term service is available upon the defendant.

10  
11 The following actions by a defendant shall create a rebuttable presumption that the  
12 defendant has taken an action that hinders the plaintiff's ability to identify or serve the  
13 defendant:

14 1. The use by the defendant, either before or after the cause of action shall accrue,  
15 in the state of Missouri, of a fictitious name without first registering that fictitious name  
16 with the Missouri secretary of state.

17 2. Being absent or vacates the state of Missouri, either before or after the cause of  
18 action accrues, without appointing a registered agent in the state of Missouri for service  
19 of process. The appointment of such an agent for service of process shall not constitute the  
20 sole basis for jurisdiction over causes of action against the appointing individual,  
21 corporation or other entity.

22 3. A change of name of the defendant at any time after the cause of action shall  
23 accrue.

24 4. The refusal by the defendant to accept service by mail.

25 5. The failure to appoint a registered agent in the state of Missouri when the  
26 statutes of the state of Missouri requires the appointment of a registered agent.

517.111. [1.] When a case is dismissed, or judgment is by default or consent, such  
2 judgment shall be entered forthwith by the judge.

3 [2. When a case is tried before a judge without a jury, judgment shall be entered by the  
4 judge within thirty days after the case is submitted for final decision unless the parties consent  
5 to a longer period of time.]

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.

**537.605. The state of Missouri, in its capacity as an employer, shall be subject to the**



2 provisions of the federal Family and Medical Leave Act, 29 U.S.C. Section 2601, et seq., as  
3 such law exists on January 1, 2002, and shall be liable for any violation of such act. The  
4 state of Missouri waives its sovereign immunity for purposes of enforcement of such act;  
5 except that no judgment entered against the state of Missouri shall exceed the liability  
6 limits established in section 537.610.

550.130. The bill of costs in any case, as provided for in [section] sections 550.120 and  
2 550.135, shall be certified to by the judge and prosecuting attorney, as now provided by law, and  
3 shall be presented to the county commission in which the indictment was originally found, or  
4 proceedings instituted, and shall thereupon be paid as if the cause had been tried or otherwise  
5 disposed of in said county.

550.135. In any criminal case in which a change of venue is taken from one county  
2 to another county the clerk of the court shall calculate, at the end of each month, all costs  
3 which have accrued during that month and which can be determined before the final  
4 disposition of the case. If the state or county is liable under the provisions of this chapter  
5 for such costs or any part thereof, he or she shall make out and deliver forthwith to the  
6 prosecuting attorney of said county a fee bill specifying each item of services and the fee  
7 therefor.

550.140. Except as provided in section 550.135, the clerk of the court in which any  
2 criminal cause shall have been determined or continued generally shall, immediately after the  
3 adjournment of the court and before the next succeeding term, calculate all costs which have  
4 accrued in the case. If the state or county is liable under the provisions of this chapter for costs  
5 or any part thereof, he or she shall make out and deliver forthwith to the prosecuting attorney  
6 of said county a complete fee bill, specifying each item of services and the fee therefor. The  
7 circuit clerk shall prepare a bill against the state containing only costs which are payable to the  
8 county.

550.180. If any clerk shall fail to tax the costs and make out a proper fee bill, or shall  
2 willfully neglect to perform any duty required of him or her in sections [550.140] 550.135 and  
3 550.190, he or she shall be liable to the person injured by such neglect in treble the amount of  
4 costs to which the party is entitled in the cause, and the court shall give judgment therefor against  
5 the clerk, on motion of the party entitled thereto; provided, that the party asking such judgment  
6 shall give two days' notice of such motion, which may be served on the clerk or his or her  
7 deputy.

550.190. The prosecuting attorney shall strictly examine each bill of costs which shall  
2 be delivered to him or her, as provided in [section] sections 550.135 and 550.140, for allowance  
3 against the state or county, and shall ascertain as far as possible whether the services have been  
4 rendered for which the charges are made, and whether the fees charged are expressly given by

5 law for such services, or whether greater charges are made than the law authorizes. If the fee bill  
6 has been made out according to law, or if not, after correcting all errors therein, he **or she** shall  
7 report the same to the judge of the court, either in term or in vacation, and if the same appears  
8 to be formal and correct, the judge and prosecuting attorney shall certify to the commissioner of  
9 administration, or clerk of the county commission, accordingly as the state or county is liable,  
10 the amount of costs due by the state or county on the fee bill, and deliver the same to the clerk  
11 who made it out, to be collected without delay, and paid over to those entitled to the fees  
12 allowed.

550.230. When the clerk shall send a bill of costs to the commissioner of administration  
2 or county commission, as provided in section 550.200, he shall expressly state in his **or her**  
3 certificate that he **or she** has not at any previous time certified or sent a copy of the same bill,  
4 or part thereof **except as provided for in section 550.135**, for payment; provided, that if the  
5 clerk shall, by oversight or mistake, fail to include any costs properly chargeable against the state  
6 or county in any fee bill, he **or she** may make out and present, as herein provided for making out  
7 bills of costs, a supplemental bill for the costs so omitted; provided, that the clerk shall in no case  
8 charge or receive any fee or fees whatsoever for the issuance of such supplemental fee bill.

**550.295. At the end of each month after the receipt, from either the state auditor or**  
2 **the county clerk, of each criminal court cost bill in any criminal case in which a change of**  
3 **venue was taken from one county to another county, the treasurer shall strike a balance**  
4 **of the same, and shall turn over the amounts collected on account of the various items of**  
5 **indebtedness herein mentioned to the various funds to which they belong or in the manner**  
6 **provided by sections 488.010 to 488.020, RSMo. And all uncalled for fees paid by the state**  
7 **shall be promptly transmitted to the state director of revenue who shall deposit the same**  
8 **in the state treasury, and those paid by the county shall be turned over to the credit of the**  
9 **county revenue fund.**

550.300. **Except as provided in section 550.295** at the end of each term of court after  
2 the receipt of each criminal court cost bill from either the state auditor or the county clerk, the  
3 treasurer shall strike a balance of the same, and shall turn over the amounts collected on account  
4 of the various items of indebtedness herein mentioned to the various funds to which they belong  
5 or in the manner provided by sections 488.010 to 488.020, RSMo. And all uncalled for fees paid  
6 by the state shall be promptly transmitted to the state director of revenue who shall deposit the  
7 same in the state treasury, and those paid by the county shall be turned over to the credit of the  
8 county revenue fund.

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.

5       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 defendants to make payments. A defendant who fails to make a**  
39 **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.**

565.030. 1. Where murder in the first degree is charged but not submitted or where the  
2 state waives the death penalty, the submission to the trier and all subsequent proceedings in the  
3 case shall proceed as in all other criminal cases with a single stage trial in which guilt and  
4 punishment are submitted together.

5 2. Where murder in the first degree is submitted to the trier without a waiver of the death  
6 penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall  
7 decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of  
8 punishment shall not be submitted to the trier at the first stage. If an offense is charged other  
9 than murder in the first degree in a count together with a count of murder in the first degree, the  
10 trial judge shall assess punishment on any such offense according to law, after the defendant is  
11 found guilty of such offense and after he finds the defendant to be a prior offender pursuant to  
12 chapter 558, RSMo.

13 3. If murder in the first degree is submitted and the death penalty was not waived but the  
14 trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at  
15 which the only issue shall be the punishment to be assessed and declared. No further evidence  
16 shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then  
17 argue as in other criminal cases the issue of punishment, after which the trier shall assess and  
18 declare the punishment as in all other criminal cases.

19 4. If the trier at the first stage of a trial where the death penalty was not waived finds the  
20 defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which  
21 the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and  
22 mitigation of punishment, including but not limited to evidence supporting any of the  
23 aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be  
24 presented subject to the rules of evidence at criminal trials. Such evidence may include, within  
25 the discretion of the court, evidence concerning the murder victim and the impact of the crime  
26 upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented.  
27 The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The  
28 attorneys may then argue the issue of punishment to the jury, and the state shall have the right  
29 to open and close the argument. The trier shall assess and declare the punishment at life

30 imprisonment without eligibility for probation, parole, or release except by act of the governor:

31 (1) If the trier finds by a preponderance of the evidence that the defendant is mentally  
32 retarded; or

33 (2) If the trier does not find beyond a reasonable doubt at least one of the statutory  
34 aggravating circumstances set out in subsection 2 of section 565.032; or

35 (3) If the trier concludes that there is evidence in mitigation of punishment, including  
36 but not limited to evidence supporting the statutory mitigating circumstances listed in subsection  
37 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment  
38 found by the trier; or

39 (4) If the trier decides under all of the circumstances not to assess and declare the  
40 punishment at death. If the trier is a jury it shall be so instructed.

41

42 If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out  
43 in writing the aggravating circumstance or circumstances listed in subsection 2 of section  
44 565.032 which it found beyond a reasonable doubt. If the trier is a jury [it shall be instructed  
45 before the case is submitted that if it] **and** is unable to decide or agree upon the punishment the  
46 court shall assess and declare the punishment at life imprisonment without eligibility for  
47 probation, parole, or release except by act of the governor [or death]; **and the jury shall be**  
48 **accordingly instructed before the case is submitted.** The court shall follow the same  
49 procedure as set out in this section whenever it is required to determine punishment for murder  
50 in the first degree.

51 5. Upon written agreement of the parties and with leave of the court, the issue of the  
52 defendant's mental retardation may be taken up by the court and decided prior to trial without  
53 prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in  
54 subsection 4 of this section.

55 6. As used in this section, the terms "mental retardation" or "mentally retarded" refer to  
56 a condition involving substantial limitations in general functioning characterized by significantly  
57 subaverage intellectual functioning with continual extensive related deficits and limitations in  
58 two or more adaptive behaviors such as communication, self-care, home living, social skills,  
59 community use, self-direction, health and safety, functional academics, leisure and work, which  
60 conditions are manifested and documented before eighteen years of age.

61 7. The provisions of this section shall only govern [offenses committed] **prosecutions**  
62 **commenced** on or after August 28, [2001] **2002.**

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the  
2 purpose to harass, intimidate, or influence a judicial officer in the performance of such officer's  
3 official duties, [he] **the actor:**



4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's  
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members  
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial  
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or  
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special  
13 master, juvenile court commissioner, **drug court commissioner, family court commissioner,**  
14 state probation or parole officer, **juvenile court officer** or referee.

15 3. A judicial officer's family for purposes of this section shall be:

16 (1) [His] **The officer's** spouse; or

17 (2) [His or his] **The officer's or the officer's** spouse's ancestor or descendant by blood  
18 or adoption; or

19 (3) [His] **The officer's** stepchild, while the marriage creating that relationship exists.

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 guilt, suspended imposition of sentence, suspended execution of**  
11 **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.

589.410. The chief law enforcement official shall forward the completed offender  
2 registration form to the Missouri state highway patrol within three days. The patrol shall enter  
3 the information into the Missouri uniform law enforcement system (MULES) where it is  
4 available to members of the criminal justice system, **courts and other entities as provided by**  
5 **law** upon inquiry.

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

145       [15.] **12.** When judgment is entered against a defendant as provided in this section and  
146 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,  
147 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to  
148 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be  
149 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall  
150 be entered on the court record. Under no circumstances shall the general revenue fund be used  
151 to reimburse court costs or pay for such judgment. The director of the department of corrections  
152 shall have the authority to pay into the crime victims' compensation fund from an offender's  
153 compensation or account the amount owed by the offender to the crime victims' compensation  
154 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering  
155 a correctional facility of the department of corrections.

156       [16.] **13.** All interest earned as a result of investing funds in the crime victims'  
157 compensation fund shall be paid into the crime victims' compensation fund and not into the  
158 general revenue of this state.

159       [17.] **14.** Any person who knowingly makes a fraudulent claim or false statement in

160 connection with any claim hereunder is guilty of a class A misdemeanor.

161 [18.] **15.** Any gifts, contributions, grants or federal funds specifically given to the  
162 division for the benefit of victims of crime shall be credited to the crime victims' compensation  
163 fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal  
164 crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

621.015. The "Administrative Hearing Commission" is assigned to the office of  
2 administration. It shall consist of no more than [three] **four** commissioners. The commissioners  
3 shall be appointed by the governor with the advice and consent of the senate. The term of each  
4 commissioner shall be for six years, **beginning on the date of appointment, and continuing**  
5 until [his or her] **that commissioner's** successor is appointed, qualified and sworn. The  
6 commissioners shall be attorneys at law admitted to practice before the supreme court of  
7 Missouri, but shall not practice law during their term of office. Each commissioner shall receive  
8 annual compensation of fifty-one thousand dollars plus any salary adjustment provided pursuant  
9 to section 105.005, RSMo. Each commissioner shall also be entitled to actual and necessary  
10 expenses in the performance of his or her duties. The office of the administrative hearing  
11 commission shall be located in the City of Jefferson and it may employ necessary clerical  
12 assistance, compensation and expenses of the commissioners to be paid from appropriations  
13 from general revenue made for that purpose.

**621.040. 1. After the effective date of this act, all individuals authorized on that date**  
2 **as administrative law judges of the division of motor carrier and railroad safety within the**  
3 **department of economic development shall be commissioners of the administrative hearing**  
4 **commission within the office of administration, and shall serve out the unexpired**  
5 **remainder of their terms as commissioners. They shall have the same powers, duties,**  
6 **functions and compensation as provided by law for the other commissioners, and after the**  
7 **expiration of their terms they may be reappointed in the same manner as other**  
8 **commissioners.**

9 **2. The administrative hearing commission shall have jurisdiction to conduct**  
10 **hearings, make findings of fact and conclusions of law, and issue orders in all applicable**  
11 **cases relating to motor carrier and railroad regulation transferred to the highways and**  
12 **transportation commission pursuant to this act, except that, notwithstanding any provision**  
13 **of law to the contrary, the highways and transportation commission may issue final agency**  
14 **orders without involvement of the administrative hearing commission in relation to:**

15 **(1) Uncontested motor carrier cases, and other uncontested motor carrier matters,**  
16 **or in which all parties have waived a hearing in writing; and**

17 **(2) Approval of settlement agreements or issuance of consent orders in motor**  
18 **carrier or railroad enforcement cases, if all parties have consented in writing to the**

19 **issuance of the commission's order.**

621.045. 1. The administrative hearing commission shall conduct hearings and make  
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by  
3 any of the following agencies may be revoked or suspended or when the licensee may be placed  
4 on probation or when an agency refuses to permit an applicant to be examined upon his or her  
5 qualifications or refuses to issue or renew a license of an applicant who has passed an  
6 examination for licensure or who possesses the qualifications for licensure without examination:

- 7  
8 Missouri State Board of Accountancy  
9 Missouri Board of Registration for Architects, Professional Engineers and Land Surveyors  
10 Board of Barber Examiners  
11 Board of Cosmetology  
12 Board of Chiropody and Podiatry  
13 Board of Chiropractic Examiners  
14 Missouri Dental Board  
15 Board of Embalmers and Funeral Directors  
16 Board of Registration for the Healing Arts  
17 Board of Nursing  
18 Board of Optometry  
19 Board of Pharmacy  
20 Missouri Real Estate Commission  
21 Missouri Veterinary Medical Board  
22 Supervisor of Liquor Control  
23 Department of Health and Senior Services  
24 Department of Insurance  
25 Department of Mental Health

26 2. [If in the future there are created by law any new or additional] **Any** administrative  
27 agencies, **including the department of elementary and secondary education regarding**  
28 **certification of teachers, whether existing now or created in the future**, which have the  
29 power to issue, revoke, suspend, or place on probation any license, **certificate or registration**  
30 **shall also fall** [, then those agencies are] under the provisions of this law.

31 3. Notwithstanding any other provision of this section to the contrary, after August 28,  
32 1995, in order to encourage settlement of disputes between any agency described in subsection  
33 1 or 2 of this section and its licensees, any such agency shall:

34 (1) Provide the licensee with a written description of the specific conduct for which  
35 discipline is sought and a citation to the law and rules allegedly violated, together with copies



36 of any documents which are the basis thereof, or file a contested case against the licensee, at least  
37 thirty days prior to offering the licensee a settlement proposal, and provide the licensee with an  
38 opportunity to respond to the allegations;

39 (2) If no contested case has been filed against the licensee, allow the licensee at least sixty  
40 days, from the date of mailing, during which to consider the agency's initial settlement offer and  
41 discuss the terms of such settlement offer with the agency;

42 (3) If no contested case has been filed against the licensee, advise the licensee that the  
43 licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen  
44 days thereafter, submit the agreement to the administrative hearing commission for determination  
45 that the facts agreed to by the parties to the settlement constitute grounds for denying or  
46 disciplining the license of the licensee; and

47 (4) In any contact pursuant to this subsection by the agency or its counsel with a licensee  
48 who is not represented by counsel, advise the licensee that the licensee has the right to consult  
49 an attorney at the licensee's own expense.

50 4. If the licensee desires review by the administrative hearing commission pursuant to  
51 subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final,  
52 the licensee may rescind and withdraw from the settlement and any admissions of fact or law in  
53 the agreement shall be deemed withdrawn and not admissible for any purposes under the law  
54 against the licensee. Any settlement submitted to the administrative hearing commission shall  
55 not be effective and final unless and until findings of fact and conclusions of law are entered by  
56 the administrative hearing commission that the facts agreed to by the parties to the settlement  
57 constitute grounds for denying or disciplining the license of the licensee.

58 5. As to a matter settled prior to August 28, 1995, by consent agreement or agreed  
59 settlement, any party to a consent agreement or agreed settlement, other than a state agency, after  
60 having received written notice at their last known address known to the agency from the  
61 respective licensing agency of a person's rights under this section, shall have six months to file  
62 an action in the circuit court of Cole County contesting the authority of any agency described in  
63 subsection 1 or 2 of this section to enter into such consent agreement or agreed settlement. Any  
64 consent agreement or agreed settlement which is not invalidated by the court pursuant to this  
65 subsection shall be given full force and effect by all courts and agencies.

66 **6. Notwithstanding any other provision of law to the contrary, any contested case**  
67 **involving a state administrative agency filed on or after January 1, 2003, relating to**  
68 **licensees, certificate holders or registrants not previously covered by this section, other**  
69 **than hearings involving discipline violations, hearings on the degree of appropriate**  
70 **disciplinary action against a licensee, certificate holder or registrant or as provided in**  
71 **subsections 7, 8 or 9 of this section, shall be brought initially before the commission and**

72 the commission shall conduct hearings and make findings of fact and conclusions of law.  
73 Any case pending which has not had a hearing completed by January 1, 2003, shall be  
74 transferred to the commission. Any pending case that has been heard prior to January 1,  
75 2003, shall remain with the administrative agency hearing the matter pending the  
76 disposition of the case.

77 7. Any contested cases involving the board of registration for the healing arts where  
78 such case involves the automatic revocation of a license by the board pursuant to section  
79 334.103, RSMo, shall continue to be heard before the board rather than the commission.

80 8. Pursuant to section 338.065, RSMo, any contested case involving the board of  
81 pharmacy where such case involves a licensee or registrant being adjudicated and found  
82 guilty or entering a plea of guilty or nolo contendere in a felony prosecution shall continue  
83 to be heard before the board rather than the commission.

84 9. Any contested case involving the board of registration for the healing arts or the  
85 dental board where such case involves a competency hearing to determine whether the  
86 licensee is competent to continue being licensed shall continue to be heard before the board  
87 rather than the commission.

88 10. In any case brought before the commission pursuant to this section, the state's  
89 interest shall be represented by the attorney general or his designee.

640.805. 1. All authority to hear appeals of findings, orders, decisions or assessments  
2 on permits, licenses, registrations, administrative penalties, civil penalties, abatement  
3 orders, emergency orders and any other actions that is granted to the director of the  
4 department of natural resources in chapters 260, 278, 319, 444, 640, 643, and 644, RSMo,  
5 the hazardous waste management commission in chapter 260, RSMo, the state soil and  
6 water districts commission in chapter 278, RSMo, the petroleum storage tank insurance  
7 fund board in chapter 319, RSMo, the land reclamation commission in chapter 444, RSMo,  
8 the safe drinking water commission in this chapter, the air conservation commission in  
9 chapter 643, RSMo, and the clean water commission in chapter 644, RSMo, shall be  
10 transferred to the administrative hearing commission and the procedures of chapter 621,  
11 RSMo, shall apply to such hearings.

12 2. The commission shall conduct all hearings and make findings of fact and  
13 conclusions of law in any contested case involving the department of natural resources or  
14 one of its commissions.

15 3. Any contested case arising pursuant to any of the provisions referenced in  
16 subsection 1 in this section and filed on or after January 1, 2003, shall be brought initially  
17 before the administrative hearing commission rather than before the department of  
18 natural resources or one of its commissions. Any case pending which has not had a hearing

19 before the department or one of its commissions completed by January 1, 2003, shall be  
20 transferred to the administrative hearing commission. Any pending case that has been  
21 heard by the department or one of its commissions prior to January 1, 2003, shall remain  
22 with the department or commission that heard the matter pending the disposition of the  
23 case.

24 4. In any case brought before the administrative hearing commission pursuant to  
25 this section, the state's interest shall be represented by the attorney general or his designee.

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

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

9 (3) The department of revenue shall notify the office of state courts administrator  
10 that a refund has been setoff on behalf of a court and shall certify the amount of such  
11 setoff, which shall not exceed the amount of the claimed debt certified. When the refund  
12 owed exceeds the claimed debt, the department of revenue shall send the excess amount to  
13 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.

Section 2. The official conducting the court-issued warrant check pursuant to  
2 section 221.510, RSMo, shall contact the issuing jurisdiction within twenty-four hours of  
3 the check. The issuing jurisdiction, if within the state of Missouri, shall acknowledge  
4 notification within twenty-four hours and remove the prisoner within forty-eight hours of  
5 notification. Failure to pick up the prisoner within forty-eight hours of notification may  
6 result in the prisoner's release by the holding institution, and shall result in a billing to the  
7 issuing authority by the holding authority for each day following notification that the  
8 prisoner is held on the detainer at a rate not to exceed three times the prisoner's actual per  
9 diem cost to confine. The issuing authority shall be responsible for making such payment  
10 within thirty days.

Section 3. Notwithstanding any other provision of law to the contrary, and except  
2 for the required credit hours of accredited programs and activities for continuing legal  
3 education devoted exclusively to professionalism, legal or judicial ethics, or malpractice  
4 prevention, attorneys elected to or employed by the general assembly during a regular  
5 legislative session shall be entitled to report fifteen credit hours for the reporting year that  
6 includes such regular legislative session.

**Section 4. 1. Notwithstanding any other provision of law to the contrary, in any action construing a consumer service contract which contains an automatic renewal provision for a period longer than one year, such provision shall be deemed unconscionable and the court shall strike the provision from the underlying service contract.**

**2. As used herein, the term “consumer service contract” is a contract for the purchase of work, labor or services, including services furnished in connection with the sale, maintenance, lease, rent or repair of goods or equipment.**

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

5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied 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.]