

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 HOUSE SUBSTITUTE
 FOR
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 FOR
 HOUSE BILL NO. 1962

AN ACT

To repeal sections 43.530, 43.540, 50.333, 57.290, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.015, 488.445, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060, 510.120, 511.510, 516.097, 517.111, 517.141, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 565.030, 565.084, 577.051, 589.410, 595.045 and 644.036, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 AS FOLLOWS:

1 Section A. Sections 43.530, 43.540, 50.333, 57.290, 67.133,
 2 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340,
 3 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005,
 4 488.012, 488.015, 488.445, 488.2253, 488.2300, 488.4014,
 5 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060,
 6 510.120, 511.510, 516.097, 517.111, 517.141, 550.130, 550.140,
 7 550.180, 550.190, 550.230, 550.300, 565.030, 565.084, 577.051,

1 589.410, 595.045 and 644.036, RSMo, are repealed and sixty-one
2 new sections enacted in lieu thereof, to be known as sections
3 43.530, 43.540, 50.333, 143.782, 287.780, 374.770, 473.750,
4 476.058, 476.061, 476.270, 476.340, 476.385, 477.650, 488.031,
5 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012,
6 488.015, 488.445, 488.2253, 488.2300, 488.4014, 488.5021,
7 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060,
8 510.120, 511.510, 516.097, 517.111, 537.605, 537.617, 550.130,
9 550.135, 550.140, 550.180, 550.190, 550.230, 550.295, 550.300,
10 565.030, 565.084, 577.051, 589.410, 595.045, 640.825, 644.036, 1,
11 2, 3, 4, 5 and 6, to read as follows:

12 43.530. For each request received by the central
13 repository, as defined in subdivision (1) of section 43.500, the
14 requesting entity shall pay a fee of not more than five dollars
15 per request for criminal history record information and pay a fee
16 of not more than fourteen dollars per request for classification
17 and search of fingerprints. Each such request shall be limited
18 to check and search on one individual. Each request shall be
19 accompanied by a check, warrant, voucher, or money order payable
20 to the state of Missouri-criminal record system. The highway
21 patrol may establish procedures for receiving requests for
22 criminal history record information from courts and others and
23 for classification and search for fingerprints and for paying for
24 such requests by electronic means. There is hereby established
25 by the treasurer of the state of Missouri a fund to be entitled
26 as the "Criminal Record System Fund". Notwithstanding the
27 provisions of section 33.080, RSMo, to the contrary, if the
28 moneys collected and deposited into this fund are not totally

1 expended annually for the purposes set forth in section 43.527,
2 the unexpended moneys in such fund shall remain in the fund and
3 the balance shall be kept in the fund to accumulate from year to
4 year.

5 43.540. 1. As used in this section, the following terms
6 mean:

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

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

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

19 (4) "Provider", any licensed day care home, licensed day
20 care center, licensed child placing agency, licensed residential
21 care facility for children, licensed group home, licensed foster
22 family group home, licensed foster family home or any operator
23 licensed pursuant to chapter 198, RSMo, any employer of nurses or
24 nursing assistants for temporary or intermittent placement in
25 health care facilities or any entity licensed pursuant to chapter
26 197, RSMo;

27 (5) "Youth services agency", any public or private agency,
28 school, or association which provides programs, care or treatment

1 for or which exercises supervision over minors.

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

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

13 4. The patrol shall respond in writing to the youth service
14 agency or provider making a request for information pursuant to
15 this section and shall inform such youth service agency or
16 provider of the address and offense for which the offender
17 registered pursuant to sections 589.400 to 589.425, RSMo, and the
18 nature of the offense, and the date, place and court for any
19 other offenses contained in the criminal record review.

20 Notwithstanding any other provision of law to the contrary, the
21 youth service agency or provider making such request shall have
22 access to all records of arrests resulting in an adjudication
23 where the applicant was found guilty or entered a plea of guilty
24 or nolo contendere in a prosecution pursuant to chapter 565,
25 RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any
26 state or the United States for offenses described in sections
27 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period
28 of any probation imposed by the sentencing court.

1 5. Any information received by a provider or a youth
2 services agency pursuant to this section shall be used solely for
3 the provider's or youth service agency's internal purposes in
4 determining the suitability of an applicant or volunteer. The
5 information shall be confidential and any person who discloses
6 the information beyond the scope allowed in this section is
7 guilty of a class A misdemeanor. The patrol shall inform, in
8 writing, the provider or youth services agency of the
9 requirements of this subsection and the penalties provided in
10 this subsection at the time it releases any information pursuant
11 to this section.

12 50.333. 1. There shall be a salary commission in every
13 nonchartered county.

14 2. The county clerk [of the circuit court of the judicial
15 circuit] in which such county is located shall set a date, time
16 and place for the salary commission meeting and serve as
17 temporary chairman of the salary commission until the members of
18 the commission elect a chairman from their number. Upon written
19 request of a majority of the salary commission members the county
20 clerk [of the circuit court] shall forthwith set the earliest
21 date possible for a meeting of the salary commission. The
22 [circuit] county clerk shall give notice of the time and place of
23 any meeting of the salary commission. Such notice shall be
24 published in a newspaper of general circulation in such county at
25 least five days prior to such meeting. Such notice shall contain
26 a general description of the business to be discussed at such
27 meeting.

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

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

3 (2) The county clerk;

4 (3) The prosecuting attorney;

5 (4) The sheriff;

6 (5) The county commissioners;

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

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

9 (8) The assessor;

10 (9) The auditor;

11 (10) The public administrator; and

12 (11) The coroner.

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

16 4. Notwithstanding the provisions of sections 610.021 and
17 610.022, RSMo, all meetings of a county salary commission shall
18 be open meetings and all votes taken at such meetings shall be
19 open records. Any vote taken at any meeting of the salary
20 commission shall be taken by recorded yeas and nays.

21 5. In every county, the salary commission shall meet at
22 least once before November thirtieth of each odd-numbered year.
23 The salary commission may meet as many times as it deems
24 necessary and may meet after November thirtieth and prior to
25 December fifteenth of any odd-numbered year if the commission has
26 met at least once prior to November thirtieth of that year. At
27 any meeting of the salary commission, the members shall elect a
28 chairman from their number. The county clerk shall present a

1 report on the financial condition of the county to the commission
2 once the chairman is elected, and shall keep the minutes of the
3 meeting.

4 6. For purposes of this section, the 1988 base compensation
5 is the compensation paid on September 1, 1987, plus the same
6 percentage increase paid or allowed, whichever is greater, to the
7 presiding commissioner or the sheriff, whichever is greater, of
8 that county for the year beginning January 1, 1988. Such
9 increase shall be expressed as a percentage of the difference
10 between the maximum allowable compensation and the compensation
11 paid on September 1, 1987. At its meeting in 1987 and at any
12 meeting held in 1988, the salary commission shall determine the
13 compensation to be paid to every county officer holding office on
14 January 1, 1988. The salary commission shall establish the
15 compensation for each office at an amount not greater than that
16 set by law as the maximum compensation. If the salary commission
17 votes to increase compensation, but not to pay the maximum amount
18 authorized by law for any officer or office, then the increase in
19 compensation shall be the same percentage increase for all
20 officers and offices and shall be expressed as a percentage of
21 the difference between the maximum allowable compensation and the
22 compensation being received at the time of the vote. If
23 two-thirds of the members of the salary commission vote to
24 decrease the compensation being received at the time of the vote
25 below that compensation, all officers shall receive the same
26 percentage decrease. The commission may vote not to increase or
27 decrease the compensation and that compensation shall continue to
28 be the salary of such offices and officers during the subsequent

1 term of office.

2 7. For the year 1989 and every second year thereafter, the
3 salary commission shall meet in every county as many times as it
4 deems necessary on or prior to November thirtieth of any such
5 year for the purpose of determining the amount of compensation to
6 be paid to county officials. For each year in which the
7 commission meets, the members shall elect a chairman from their
8 number. The county clerk shall present a report on the financial
9 condition of the county to the commission once the chairman is
10 elected, and shall keep minutes of the meeting. The salary
11 commission shall then consider the compensation to be paid for
12 the next term of office for each county officer to be elected at
13 their next general election. If the commission votes not to
14 increase or decrease the compensation, the salary being paid
15 during the term in which the vote was taken shall continue as the
16 salary of such offices and officers during the subsequent term of
17 office. If the salary commission votes to increase the
18 compensation, all officers or offices whose compensation is being
19 considered by the commission at that time, shall receive the same
20 percentage of the maximum allowable compensation. However, for
21 any county in which all offices' and officers' salaries have been
22 set at one hundred percent of the maximum allowable compensation,
23 the commission may vote to increase the compensation of all
24 offices except that of full-time prosecuting attorneys at that or
25 any subsequent meeting of the salary commission without regard to
26 any law or maximum limitation established by law. Such increase
27 shall be expressed as a percentage of the compensation being paid
28 during the term of office when the vote is taken, and each

1 officer or office whose compensation is being established by the
2 salary commission at that time shall receive the same percentage
3 increase over the compensation being paid for that office during
4 the term when the vote is taken. This increase shall be in
5 addition to any increase mandated by an official's salary
6 schedule because of changes in assessed valuation during the
7 current term. If the salary commission votes to decrease the
8 compensation, a vote of two-thirds or more of all the members of
9 the salary commission shall be required before the salary or
10 other compensation of any county office shall be decreased below
11 the compensation being paid for the particular office on the date
12 the salary commission votes, and all officers and offices shall
13 receive the same percentage decrease.

14 8. The salary commission shall issue, not later than
15 December fifteenth of any year in which it meets, a report of
16 compensation to be paid to each officer and the compensation so
17 set shall be paid beginning with the start of the subsequent term
18 of office of each officer. The report of compensation shall be
19 certified to the clerk of the county commission for the county
20 and shall be in substantially the following form:

21 The salary commission for County
22 hereby certifies that it has met pursuant to law to establish
23 compensation for county officers to be paid to such officers
24 during the next term of office for the officers affected. The
25 salary commission reports that there shall be (no increase in
26 compensation) (an increase of percent) (a
27 decrease of percent) (county officer's salaries set
28 at percent of the maximum allowable

1 compensation). Salaries shall be adjusted each year on the
2 official's year of incumbency for any change in the last
3 completed assessment that would affect the maximum allowable
4 compensation for that office.

5 9. For the meeting in 1989 and every meeting thereafter, in
6 the event a salary commission in any county fails, neglects or
7 refuses to meet as provided in this section, or in the event a
8 majority of the salary commission is unable to reach an agreement
9 and so reports or fails to certify a salary report to the clerk
10 of the county commission by December fifteenth of any year in
11 which a report is required to be certified by this section, then
12 the compensation being paid to each affected office or officer on
13 such date shall continue to be the compensation paid to the
14 affected office or officer during the succeeding term of office.

15 10. Other provisions of law notwithstanding, in every
16 instance where an officer or employee of any county is paid a
17 mileage allowance or reimbursement, the county commission shall
18 allow or reimburse such officers or employees out of the county
19 treasury at the highest rate paid to any county officer for each
20 mile actually and necessarily traveled in the performance of
21 their official duties. The county commission of any county may
22 elect to pay a mileage allowance for any county commissioner for
23 travel going to and returning from the place of holding
24 commission meetings and for all other necessary travel on
25 official county business in the personal motor vehicle of the
26 commissioner presenting the claim. The governing body of any
27 county of the first classification not having a charter form of
28 government may provide by order for the payment of mileage

1 expenses of elected and appointed county officials by payment of
2 a certain amount monthly which would reflect the average monthly
3 mileage expenses of such officer based on the amount allowed
4 pursuant to state law for the payment of mileage for state
5 employees. Any order entered for such purpose shall not be
6 construed as salary, wages or other compensation for services
7 rendered.

8 11. The term "maximum allowable compensation" as used in
9 this section means the highest compensation which may be paid to
10 the specified officer or office in the particular county based on
11 the salary schedule established by law for the specified officer
12 or office. If the salary commission at its meeting in 1987 voted
13 for one hundred percent of the maximum allowable compensation and
14 does not change such vote at its meeting held within thirty days
15 after May 13, 1988, as provided in subsection 6 of this section,
16 the one hundred percent shall be calculated on the basis of the
17 total allowable compensation permitted after May 13, 1988.

18 12. At the salary commission meeting which establishes the
19 percentage rate to be applied to county officers during the next
20 term of office, the salary commission may authorize the further
21 adjustment of such officers' compensation as a cost-of-living
22 component and effective January first of each year, the
23 compensation for county officers may be adjusted by the county
24 commission, and if the adjustment of compensation is authorized,
25 the percentage increase shall be the same for all county
26 officers, not to exceed the percentage increase given to the
27 other county employees. The compensation for all county officers
28 may be set as a group, although the change in compensation will

1 not become effective until the next term of office for each
2 officer.

3 13. At the salary commission meeting in 1997 which
4 establishes the salaries for those officers to be elected at the
5 general election in 1998, the salary commission of each
6 noncharter county may provide salary increases for associate
7 county commissioners elected in 1996. This one-time increase is
8 necessitated by the change from two- to four-year terms for
9 associate commissioners pursuant to house bill 256, passed by the
10 first regular session of the eighty-eighth general assembly in
11 1995.

12 143.782. As used in sections 143.782 to 143.788, unless the
13 context clearly requires otherwise, the following terms shall
14 and include:

15 (1) "Court", the supreme court, court of appeals, or any
16 circuit court of the state;

17 (2) "Debt", any sum due and legally owed to any state
18 agency which has accrued through contract, subrogation, tort, or
19 operation of law regardless of whether there is an outstanding
20 judgment for that sum, court costs as defined in section 488.010,
21 RSMo, fines and fees owed to a court, or any support obligation
22 which is being enforced by the division of family services on
23 behalf of a person who is receiving support enforcement services
24 pursuant to section 454.425, RSMo;

25 [(2)] (3) "Debtor", any individual, sole proprietorship,
26 partnership, corporation or other legal entity owing a debt;

27 [(3)] (4) "Department", the department of revenue of the
28 state of Missouri;

1 [(4)] (5) "Refund", the Missouri income tax refund which
2 the department determines to be due any taxpayer pursuant to the
3 provisions of this chapter. The amount of a refund shall not
4 include any senior citizens property tax credit provided by
5 sections 135.010 to 135.035, RSMo; and

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

9 287.780. No employer or agent, including the state or any
10 agency, department, or division thereof, shall discharge or in
11 any way discriminate against any employee for exercising any of
12 [his] the employee's rights under this chapter. Any employee who
13 has been discharged or discriminated against shall have a civil
14 action for damages against [his] their employer. For purposes of
15 this section, the state waives its sovereign immunity and submits
16 to suit for claims up to the limits established in section
17 537.610, RSMo.

18 374.770. 1. If there is a breach of the contract of the
19 bond, the court in which the case is pending shall declare a bond
20 forfeiture, unless the surety upon such bond informs the court
21 that the defendant is incarcerated somewhere within the United
22 States. If forfeiture is not ordered because the defendant is
23 incarcerated somewhere within the United States, the surety is
24 responsible for the return of the defendant and shall be liable
25 for all costs incurred by the state or county in returning the
26 defendant, which costs shall be assessed against the bond prior
27 to the release of the surety. However, said surety shall not be
28 responsible for said costs if the surety offers and is available

1 to return said defendant to the jurisdiction in which the case is
2 pending and the jurisdiction in which the defendant is held will
3 not release said defendant to the surety. If bond forfeiture is
4 ordered and the surety can subsequently prove the defendant is
5 incarcerated somewhere within the United States, then the bond
6 forfeiture shall be set aside and the surety be responsible for
7 the return of the defendant and shall be liable for all costs
8 incurred by the state or county in returning the defendant, which
9 costs shall be assessed against the bond prior to the release of
10 the surety. When the surety notifies the court of the
11 whereabouts of the defendant, a hold order shall be placed by the
12 court having jurisdiction on the defendant in the state in which
13 the defendant is being held.

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

25 473.750. 1. In addition to the provisions of sections
26 473.730 to 473.767, [he and his] a public administrator and the
27 public administrator's securities shall have the same powers as
28 are conferred upon, and be subject to the same duties, penalties,

1 provisions and proceedings as are enjoined upon or authorized
2 against personal representatives, guardians and conservators by
3 chapters 472 to 475, RSMo, so far as the same may be applicable.

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

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

17 476.058. 1. As used in this section, the term "court
18 personnel" includes all personnel of all state courts and all
19 divisions of the courts, including juvenile, family and municipal
20 divisions, and clerks, deputy clerks, division clerks, official
21 court reporters, law clerks and court administrators, but not
22 including judges.

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

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

7 4. The state treasurer shall administer the fund and shall
8 disburse moneys from the fund to the state courts administrator
9 pursuant to appropriations in order to provide training [and], to
10 purchase goods and services related to the training and education
11 of court personnel, and to pay for goods and services associated
12 with the preparation of court transcripts.

13 [4.] 5. Any unexpended balance remaining in the fund at
14 the end of each biennium shall be exempt from the provisions of
15 section 33.080, RSMo, relating to the transfer of unexpended
16 balances to the general revenue fund, until the amount in the
17 state courts administration revolving fund exceeds the greater of
18 either one-half of the expenditures from the fund during the
19 previous year, or fifty thousand dollars.

20 476.061. 1. An interpreter or translator cannot be
21 compelled to testify as to the information that would otherwise
22 be protected by attorney-client privilege as between the party
23 and his or her attorney.

24 2. An interpreter or translator who serves in any criminal
25 proceeding, juvenile proceeding, including any investigation,
26 interview or any other proceeding regarding the juvenile, or
27 domestic violence actions commenced pursuant to sections 455.010
28 to 455.085, RSMo, or sections 455.500 to 455.538, RSMo, shall be

1 allowed a reasonable fee approved by the court. If the person
2 requiring an interpreter or translator during the proceeding is a
3 party to or a witness in the proceeding, such fee shall be
4 payable by the state from funds appropriated to the office of the
5 state courts administrator.

6 3. An interpreter or translator appointed pursuant to
7 section 476.060 in any proceeding not enumerated in subsection 2
8 of this section is entitled to a reasonable fee for such
9 provider's service.

10 476.270. All expenditures accruing in the circuit courts,
11 except salaries and clerk hire which is [payable] paid by the
12 state, except all expenditures accruing in the municipal
13 divisions of the circuit court, and except as otherwise provided
14 by law, shall be paid out of the treasury of the county in which
15 the court is held in the same manner as other demands.

16 476.340. 1. The governing body of the conference, between
17 annual sessions, shall be the executive council. The executive
18 council shall consist of the following members:

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

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

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

25 (4) Eight circuit judges, other than judges of the probate
26 division, three of whom shall be elected for three-year terms,
27 one from each district of the court of appeals, by the circuit
28 judges, other than judges of the probate division, of the

1 district to represent each of the districts of the court of
2 appeals, respectively. A judge whose circuit is in part in more
3 than one district of the court of appeals may vote in and be
4 elected to represent either district but not both. Five of the
5 circuit judges on the council shall be elected for three-year
6 terms by the circuit judges of the state;

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

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

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

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

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

27 2. The executive council shall have general supervision of
28 the work of the conference and such other duties and authority as

1 may be given to it under rules or resolutions adopted by the
2 conference. The members of the executive council shall elect one
3 of its members vice president to act in the absence of the chief
4 justice.

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

28 2. In no event shall any schedule of fines adopted pursuant

1 to this section include offenses involving the following:

2 (1) Any violation resulting in personal injury or property
3 damage to another person;

4 (2) Operating a motor vehicle while intoxicated or under
5 the influence of intoxicants or drugs;

6 (3) Operating a vehicle with a counterfeited, altered,
7 suspended or revoked license;

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

9 3. There shall be a centralized bureau to be established by
10 supreme court rule in order to accept pleas of not guilty or
11 guilty and payments of fines and court costs for violations of
12 the laws and ordinances described in subsection 1 of this
13 section, made pursuant to a schedule of fines established
14 pursuant to this section. The centralized bureau shall collect,
15 with any plea of guilty and payment of a fine, all court costs
16 which would have been collected by the court of the jurisdiction
17 from which the violation originated.

18 4. If a person elects not to contest the alleged violation,
19 the person shall send payment in the amount of the fine and any
20 court costs established for the violation to the centralized
21 bureau. Such payment shall be payable to the "central violations
22 bureau", shall be made by mail or in any other manner established
23 by the centralized bureau, and shall constitute a plea of guilty,
24 waiver of trial and a conviction for purposes of section 302.302,
25 RSMo, and for purposes of imposing any collateral consequence of
26 a criminal conviction provided by law. Notwithstanding any
27 provision of law to the contrary, the prosecutor shall not be
28 required to sign any information, ticket or indictment if

1 disposition is made pursuant to this subsection. In the event
2 that any payment is made pursuant to this section by credit card
3 or similar method, the centralized bureau may charge an
4 additional fee in order to reflect any transaction cost,
5 surcharge or fee imposed on the recipient of the credit card
6 payment by the credit card company.

7 5. If a person elects to plead not guilty, such person
8 shall send the plea of not guilty to the centralized bureau. The
9 bureau shall send such plea and request for trial to the
10 prosecutor having original jurisdiction over the offense. Any
11 trial shall be conducted at the location designated by the court.
12 The clerk of the court in which the case is to be heard shall
13 notify in writing such person of the date certain for the
14 disposition of such charges by sending the written notification
15 to the person by ordinary first class United States mail at the
16 address of record shown on the offense citation. The prosecutor
17 shall not be required to sign any information, ticket or
18 indictment until the commencement of any proceeding by the
19 prosecutor with respect to the notice of violation.

20 6. In courts adopting a schedule of fines pursuant to this
21 section, any person receiving a notice of violation pursuant to
22 this section shall also receive written notification of the
23 following:

24 (1) The fine and court costs established pursuant to this
25 section for the violation or information regarding how the person
26 may obtain the amount of the fine and court costs for the
27 violation;

28 (2) That the person must respond to the notice of violation

1 by paying the prescribed fine and court costs, or pleading not
2 guilty and appearing at trial, and that other legal penalties
3 prescribed by law may attach for failure to appear and dispose of
4 the violation. The supreme court may modify the suggested forms
5 for uniform complaint and summons for use in courts adopting the
6 procedures provided by this section, in order to accommodate such
7 required written notifications.

8 7. Any moneys received in payment of fines and court costs
9 pursuant to this section shall not be considered to be state
10 funds, but shall be held in trust by the centralized bureau for
11 benefit of those persons or entities entitled to receive such
12 funds pursuant to this subsection. All amounts paid to the
13 centralized bureau shall be maintained by the centralized bureau,
14 invested in the manner required of the state treasurer for state
15 funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and
16 disbursed as provided by the constitution and laws of this state.
17 Any interest earned on such fund shall be payable to the director
18 of the department of revenue for deposit into a revolving fund to
19 be established pursuant to this subsection. The state treasurer
20 shall be the custodian of the revolving fund, and shall make
21 disbursements, as allowed by lawful appropriations, only to the
22 judicial branch of state government for goods and services
23 related to the administration of the judicial system.

24 8. Any person who receives a notice of violation subject to
25 this section who fails to dispose of such violation as provided
26 by this section shall be guilty of failure to appear provided by
27 section 544.665, RSMo; and may be subject to suspension of
28 driving privileges in the manner provided by section 302.341,

1 RSMo. The centralized bureau shall notify the appropriate
2 prosecutor of any person who fails to either pay the prescribed
3 fine and court costs, or plead not guilty and request a trial
4 within the time allotted by this section, for purposes of
5 application of section 544.665, RSMo. The centralized bureau
6 shall also notify the department of revenue of any failure to
7 appear subject to section 302.341, RSMo, and the department shall
8 thereupon suspend the license of the driver in the manner
9 provided by section 302.341, RSMo, as if notified by the court.

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

15 477.650. 1. There is hereby established a "Basic Civil
16 Legal Services Fund" to be administered by, or under the
17 direction of, the Missouri supreme court. All moneys collected
18 pursuant to section 488.031, RSMo, shall be credited to the fund.
19 In addition to the court filing surcharges, funds from other
20 public or private sources also may be deposited into the fund and
21 all earnings of the fund shall be credited to the fund. Fund
22 moneys shall not be considered to be state funds or subject to
23 appropriation. The purpose of this section is to increase the
24 funding available for basic civil legal services to eligible low-
25 income persons as such persons are defined by the Federal Legal
26 Services' Corporation Income Eligibility Guidelines.

27 2. Funds in the basic civil legal services fund shall be
28 allocated annually and expended to provide legal representation

1 to eligible low-income persons in the state in civil matters.
2 Moneys, funds, or payments paid to the credit of the basic civil
3 legal services fund shall, at least as often as annually, be
4 distributed to the legal services organizations in Missouri which
5 qualify for federal Legal Services Corporation funding. The
6 funds so distributed shall be used by legal services
7 organizations in Missouri solely to provide legal services to
8 eligible low-income persons as such persons are defined by the
9 federal Legal Services' Corporation Income Eligibility
10 Guidelines. Fund money shall be subject to all restrictions
11 imposed on such legal services organizations by law. Funds shall
12 be allocated to the programs according to the funding formula
13 employed by the Legal Services Corporation for the distribution
14 of funds to Missouri. Moneys in the basic civil legal services
15 fund shall be considered nonstate funds under the provisions of
16 article IV, section 15 of the Missouri Constitution.

17 3. The Missouri supreme court, or a person or organization
18 designated by the court, is the administrator and shall
19 administer the fund in such manner as determined by the Missouri
20 supreme court, including in accordance with any rules and
21 policies adopted by the Missouri supreme court for such purpose.

22 4. Each recipient of funds from the basic civil legal
23 services fund shall maintain appropriate records accounting for
24 the receipt and expenditure of all funds distributed and received
25 pursuant to this section. These records must be maintained for a
26 period of five years from the close of the fiscal year in which
27 such funds are distributed or received or until audited,
28 whichever is sooner. All funds distributed or received under

1 this section are subject to audit by the Missouri supreme court
2 or the state auditor.

3 479.020. 1. Any city, town or village, including those
4 operating under a constitutional or special charter, may, and
5 cities with a population of four hundred thousand or more shall,
6 provide by ordinance or charter for the selection, tenure and
7 compensation of a municipal judge or judges consistent with the
8 provisions of this chapter who shall have original jurisdiction
9 to hear and determine all violations against the ordinances of
10 the municipality. The method of selection of municipal judges
11 shall be provided by charter or ordinance. Each municipal judge
12 shall be selected for a term of not less than two years as
13 provided by charter or ordinance.

14 2. Except where prohibited by charter or ordinance, the
15 municipal judge may be a part-time judge and may serve as
16 municipal judge in more than one municipality.

17 3. No person shall serve as a municipal judge of any
18 municipality with a population of seven thousand five hundred or
19 more or of any municipality in a county of the first class with a
20 charter form of government unless the person is licensed to
21 practice law in this state unless, prior to January 2, 1979, such
22 person has served as municipal judge of that same municipality
23 for at least two years.

24 4. Notwithstanding any other statute, a municipal judge
25 need not be a resident of the municipality or of the circuit in
26 which the municipal judge serves except where ordinance or
27 charter provides otherwise. Municipal judges shall be residents
28 of Missouri.

1 5. Judges selected under the provisions of this section
2 shall be municipal judges of the circuit court and shall be
3 divisions of the circuit court of the circuit in which the
4 municipality, or major geographical portion thereof, is located.
5 The judges of these municipal divisions shall be subject to the
6 rules of the circuit court which are not inconsistent with the
7 rules of the supreme court. The presiding judge of the circuit
8 shall have general administrative authority over the judges and
9 court personnel of the municipal divisions within the circuit.
10 Notwithstanding the foregoing provisions of this subsection, in
11 any city with a population of over four hundred thousand with
12 full-time municipal judges who are subject to a plan of merit
13 selection and retention, such municipal judges and court
14 personnel of the municipal divisions shall not be subject to
15 court management and case docketing in the municipal divisions by
16 the presiding judge or the rules of the circuit court of which
17 the municipal divisions are a part.

18 6. No municipal judge shall hold any other office in the
19 municipality which the municipal judge serves as judge. The
20 compensation of any municipal judge and other court personnel
21 shall not be dependent in any way upon the number of cases tried,
22 the number of guilty verdicts reached or the amount of fines
23 imposed or collected.

24 7. Municipal judges shall be at least twenty-one years of
25 age. No person shall serve as municipal judge after that person
26 has reached that person's [seventy-fifth] seventieth birthday.

27 8. Within six months after selection for the position, each
28 municipal judge who is not licensed to practice law in this state

1 shall satisfactorily complete the course of instruction for
2 municipal judges prescribed by the supreme court. The state
3 courts administrator shall certify to the supreme court the names
4 of those judges who satisfactorily complete the prescribed
5 course. If a municipal judge fails to complete satisfactorily
6 the prescribed course within six months after the municipal
7 judge's selection as municipal judge, the municipal judge's
8 office shall be deemed vacant and such person shall not
9 thereafter be permitted to serve as a municipal judge, nor shall
10 any compensation thereafter be paid to such person for serving as
11 municipal judge.

12 482.330. 1. No claim may be filed or prosecuted in small
13 claims court by a party who:

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

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

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

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

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

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

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

8 483.015. 1. At the general election in the year 1982, and
9 every four years thereafter, except as herein provided and except
10 as otherwise provided by law, circuit clerks shall be elected by
11 the qualified voters of each county [and of the city of St.
12 Louis], who shall be commissioned by the governor, and shall
13 enter upon the discharge of their duties on the first day in
14 January next ensuing their election, and shall hold their offices
15 for the term of four years, and until their successors shall be
16 duly elected and qualified, unless sooner removed from office.

17 2. The court administrator for Jackson County provided by
18 the charter of Jackson County shall be selected as provided in
19 the county charter and shall exercise all of the powers and
20 duties of the circuit clerk of Jackson County. The director of
21 judicial administration and the circuit clerk of St. Louis County
22 shall be selected as provided in the charter of St. Louis County.

23 3. The circuit clerk of any city not within a county shall
24 be appointed by a majority of the circuit judges and associate
25 circuit judges of the circuit court of such city, en banc. The
26 circuit clerk shall be removable for cause by a majority of the
27 circuit judges and associate circuit judges of such circuit, en
28 banc, in accordance with supreme court administrative rules

1 governing court personnel. This subsection shall become
2 effective on December 31, 2006, and the circuit clerk in office
3 at that time shall continue to hold such office as if such clerk
4 had been appointed pursuant to the terms of this subsection.

5 4. When provision is made in a county charter for the
6 appointment of a court administrator to perform the duties of a
7 circuit clerk or for the appointment of a circuit clerk, such
8 provisions shall prevail over the provisions of this chapter
9 providing for a circuit clerk to be elected. The persons
10 appointed to fill any such appointive positions shall be paid by
11 the counties as provided by the county charter or ordinance;
12 provided, however, that if provision is now or hereafter made by
13 law for the salaries of circuit clerks to be paid by the state,
14 the state shall pay over to the county a sum which is equivalent
15 to the salary that would be payable by law by the state to an
16 elected circuit clerk in such county if such charter provision
17 was not in effect. The sum shall be paid in semimonthly or
18 monthly installments, as designated by the commissioner of
19 administration.

20 483.083. 1. Each circuit clerk shall annually receive as
21 compensation the following amounts as base salary:

22 (1) In counties of the first classification, thirty-six
23 thousand one hundred forty-five dollars; except those counties
24 where court is held in two cities, in which instance an
25 additional four thousand dollars shall be added to the base
26 salary;

27 (2) In all counties of the second or fourth classification,
28 thirty-one thousand nine hundred seventy-eight dollars; except

1 those counties where court is held in two cities, thirty-five
2 thousand five hundred forty-nine dollars;

3 (3) In the counties of the third classification,
4 twenty-seven thousand two hundred eighteen dollars except those
5 counties where court is held in two cities; thirty thousand three
6 hundred eight dollars; except Marion County circuit clerks,
7 district one and district two in Hannibal, thirty-one thousand
8 three hundred eighty-three dollars;

9 (4) In the city of St. Louis, sixty-seven thousand three
10 hundred sixty dollars;

11 (5) The compensation of circuit clerks provided by this
12 subsection shall annually be increased by an amount equivalent to
13 the annual salary adjustment approved pursuant to section
14 476.405, RSMo, for employees of the judicial department.

15 2. Such circuit clerks shall receive in addition to any
16 salary provided by this section any salary adjustment provided
17 pursuant to section 476.405, RSMo.

18 3. In the event the judge orders child support payments in
19 Marion County to be made through the clerk, the clerk shall
20 annually, on or before February first of each year, charge ten
21 dollars per year to each such person so obligated to make child
22 support payments, which fee shall be paid to the state.

23 4. Payment of the compensation provided in this section
24 shall be payable in equal monthly installments, except that the
25 salary of the circuit clerk of the city of St. Louis shall be
26 paid in semimonthly installments and except that all such
27 compensation paid by the state shall be paid in installments as
28 provided in section 33.100, RSMo. The compensation of all

1 circuit clerks shall be paid by the state and they shall be
2 considered state employees for all purposes except the manner of
3 their selection, appointment or removal from office; except that,
4 the circuit clerk of the city of St. Louis, the circuit clerk of
5 St. Louis County and the court administrator of Jackson County
6 shall continue to be paid by the city and those counties and
7 shall not become state employees, but the city of St. Louis, St.
8 Louis County and Jackson County shall each be paid an amount
9 which is equivalent to a circuit clerk's salary as provided in
10 subsection [3] 4 of section 483.015.

11 5. The compensation provided in this section shall be in
12 lieu of all fees, and all fees collected shall be paid over to
13 the state or to the counties and the city of St. Louis as
14 otherwise provided by law.

15 483.245. 1. The provisions of this section shall become
16 effective on July 1, 1981.

17 2. The circuit clerk, or person exercising the authority of
18 the circuit clerk pursuant to county charter, shall appoint all
19 deputy circuit clerks, including deputy circuit clerks serving in
20 courtrooms, and shall prescribe and assign the duties of such
21 deputy circuit clerks. The circuit clerk may remove from office
22 any deputy circuit clerk whom he appoints. All division clerks,
23 as defined in section 483.241, shall be appointed by the judge of
24 the division such clerks serve, and such judge may remove from
25 office any division clerk whom he appoints.

26 3. Notwithstanding the provisions of subsection 2 of this
27 section, if, on June 30, 1981, in any county or in the city of
28 St. Louis, there exists by reason of local charter, a plan of

1 merit selection and retention or other similar personnel plan,
2 providing for selection, tenure or retention of deputy circuit
3 clerks or division clerks, after July 1, 1981, as to clerical
4 personnel who were, on June 30, 1981, under such a plan, the
5 provisions for merit retention and tenure shall continue to apply
6 as to such persons insofar as is reasonably possible even though
7 they are paid by the state and become state employees, and the
8 circuit court en banc shall be considered as the commission or
9 board for determining the propriety of any disciplinary or
10 dismissal action.

11 4. In addition to the authority to remove deputy circuit
12 clerks and division clerks hereinabove provided, the circuit
13 court en banc may remove from office a deputy circuit clerk or
14 division clerk for cause.

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

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

1 circuit clerks and division clerks shall be paid by the state,
2 and they shall be state employees.

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

11 8. Notwithstanding the other provisions of this section
12 providing for the establishment of the number of deputy circuit
13 clerks and division clerks serving the various circuit courts and
14 the determination of their salaries, such determinations shall
15 not be construed as mandating appropriations to fund such
16 positions, and the payment of the salaries and emoluments of
17 deputy circuit clerks and division clerks shall be subject to the
18 availability of moneys appropriated for those purposes by the
19 general assembly or federal grant moneys.

20 [8.] 9. For purposes of this section, the circuit court en
21 banc shall be deemed to include all circuit and associate circuit
22 judges of the entire circuit, and determinations or orders of the
23 circuit court en banc shall be by action of a majority of such
24 judges in office.

25 488.005. Notwithstanding any other provision of law to the
26 contrary, whether enacted before, on or after August 28, 1996, no
27 clerk of any court shall collect any surcharge authorized by or
28 pursuant to any ordinance, order or resolution which provides

1 that the effective date to commence imposition of such surcharge
2 is on or after January 1, 1997, unless such ordinance, order or
3 resolution is authorized by statute.

4 488.012. 1. [Beginning July 1, 1997,] The clerk of each
5 court of this state responsible for collecting court costs shall
6 collect the court costs authorized by statute, in such amounts as
7 are authorized by supreme court rule adopted pursuant to sections
8 488.010 to 488.020. [Court costs due and payable prior to July
9 1, 1997, shall not be affected by the adoption of this rule.]

10 2. The supreme court shall set the amount of [court costs]
11 fees and miscellaneous charges authorized by statute, at levels
12 to produce revenue which shall not substantially exceed the total
13 of the proportion of the costs associated with administration of
14 the judicial system defrayed by fees[,] and miscellaneous charges
15 [and surcharges]. The supreme court also shall set the amount of
16 surcharges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (14) Forty-five dollars for applications for trial de novo
24 from small claims court and associate circuit court and
25 forty-five dollars for filing of other cases, pursuant to section
26 483.530, RSMo;

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

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

- | | | | |
|---|-----|---------------------------------------|---------|
| 4 | (a) | Less than \$10,000 | \$75.00 |
| 5 | (b) | From \$10,000 to \$25,000 | 115.00 |
| 6 | (c) | From \$25,000 to \$50,000 | 155.00 |
| 7 | (d) | From \$50,000 to 100,000 | 245.00 |
| 8 | (e) | From \$100,000 to \$500,000 | 305.00 |
| 9 | (f) | More than \$500,000 | 365.00; |

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

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

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

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

19 (c) Sixty dollars for each grant of letters for
20 guardianship of the person and conservatorship of the estate of a
21 minor;

22 (d) Twenty-five dollars for each additional twelve months a
23 conservatorship of a minor's estate case remains open;

24 (e) Seventy-five dollars for each grant of letters in
25 guardianship and conservatorship of incapacitated persons and
26 their estates;

27 (f) Thirty dollars for each additional twelve months an
28 incapacitated person's case remains open;

1 (19) Fifteen dollars for issuing orders refusing to grant
2 letters to a spouse or an unmarried minor child and thirty
3 dollars for a certified copy of such orders, pursuant to section
4 483.580, RSMo;

5 (20) In probate proceedings, pursuant to section 483.580,
6 RSMo:

7 (a) Thirty-five dollars for the collection of small
8 estates;

9 (b) Thirty-five dollars for involuntary hospitalization
10 proceedings;

11 (c) Thirty dollars for proceedings to determine heirship;

12 (d) Fifteen dollars for assessment of estate taxes where no
13 letters are granted;

14 (e) Fifty dollars for proceedings for the sale of real
15 estate by a nonresident conservator;

16 (f) Forty dollars for proceedings to dispense with
17 administration;

18 (g) Twenty dollars for proceedings to dispense with
19 conservatorship;

20 (h) Twenty-five dollars for admitting a will to probate;

21 (i) One dollar per copied page and one dollar and fifty
22 cents per certificate;

23 (21) One dollar and fifty cents per page for testimony
24 transcription, pursuant to section 485.100, RSMo;

25 (22) Fifteen dollars for court reporters, pursuant to
26 section 485.120, RSMo;

27 (23) Three dollars for witness fees per day, and four
28 dollars when the witness must travel to another county, pursuant

1 to section 491.280, RSMo.

2 488.015. The court shall not increase the amount of
3 miscellaneous charges [or surcharges] allowed by law. The
4 amounts of fees payable to the state of Missouri may be annually
5 adjusted as provided in section 488.012 to the extent that
6 projected total collections for all such fees shall not exceed
7 one hundred four percent of such fees assessed or assessable
8 during the previous year less the amount of such assessed fees
9 attributable to any increase in the judiciary's caseload,
10 provided that the amount of the adjusted fee attributable to each
11 case may be rounded to the nearest dollar. The supreme court
12 rule may provide that in the event that any payment of court
13 costs is made in time or installment payments or by credit card
14 or similar method, the clerk may charge an additional fee for
15 such time or installment payments or in order to reflect any
16 transaction cost, surcharge or fee imposed on the recipient of
17 the credit card payment by the credit card company. Any change
18 in the amount of fees made by the court pursuant to this section
19 shall take effect on July first of any particular year, provided
20 that the proposed supreme court rule or amendment to a supreme
21 court rule changing the amount of fees shall be published on or
22 before January first of the year in which the rule or amendment
23 is proposed to take effect. Any such rule may be annulled or
24 amended in whole or part in the manner provided by section 5 of
25 article V of the Constitution of the state of Missouri. Any
26 changes in the amount of fees made by the court pursuant to
27 sections 488.010 to 488.020 shall be presented to the general
28 assembly on or before January first of the year in which the rule

or amendment is proposed to take effect.

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

Supreme court and courts of appeals \$10.00;

Circuit courts \$5.00;

Associate circuit courts \$2.75;

Small claims courts no additional fee.

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

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

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for

1 the license and shall be collected by the recorder of deeds at
2 the time the license is issued. The surcharge imposed upon the
3 filing of a civil action shall be two dollars, shall be paid by
4 the party who filed the petition and shall be collected and
5 disbursed by the clerk of the court in the manner provided by
6 sections 488.010 to 488.020. Such amounts shall be payable to
7 the treasuries of the counties from which such surcharges were
8 paid.

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

20 488.2253. In every contested case, or case in which the
21 evidence is to be preserved, except for the collection of
22 delinquent or back taxes, before any circuit judge when an
23 official court reporter is appointed, the clerk of said court
24 shall tax up the sum of [fifteen] twenty-five dollars, to be
25 collected as other costs, and paid by said clerk to the director
26 of revenue of the state.

27 488.2300. 1. A "Family Services and Justice Fund" is
28 hereby established in each county or circuit with a family court,

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

12 2. In juvenile proceedings under chapter 211, RSMo, a
13 judgment of up to thirty dollars may be assessed against the
14 child, parent or custodian of the child, in addition to other
15 amounts authorized by law, in informal adjustments made under the
16 provisions of sections 211.081 and 211.083, RSMo, and in an order
17 of disposition or treatment under the provisions of section
18 211.181, RSMo. The judgment may be ordered paid to the clerk of
19 the circuit where the assessment is imposed [and shall be
20 collected and disbursed in the manner provided by sections
21 488.010 to 488.020].

22 3. All sums collected pursuant to this section and section
23 487.140, RSMo, shall be payable to the various county family
24 services and justice funds.

25 4. Any moneys in the family services and justice fund not
26 expended for salaries of commissioners, family court
27 administrators and family court staff shall be used toward
28 funding the enhanced services provided as a result of the

1 establishment of a family court; however, it shall not replace or
2 reduce the current and ongoing responsibilities of the counties
3 to provide funding for the courts as required by law. Moneys
4 collected for the family services and justice fund shall be
5 expended for the benefit of litigants and recipients of services
6 in the family court, with priority given to services such as
7 mediation, counseling, home studies, psychological evaluation and
8 other forms of alternative dispute-resolution services.
9 Expenditures shall be made at the discretion of the presiding
10 judge or family court administrative judge, as designated by the
11 circuit and associate circuit judges en banc, for the
12 implementation of the family court system as set forth in this
13 section. No moneys from the family services and justice fund may
14 be used to pay for mediation in any cause of action in which
15 domestic violence is alleged.

16 5. From the funds collected pursuant to this section and
17 retained in the family services and justice fund, each circuit or
18 county in which a family court commissioner in addition to those
19 commissioners existing as juvenile court commissioners on August
20 28, 1993, have been appointed pursuant to sections 487.020 to
21 487.040, RSMo, shall pay to and reimburse the state for the
22 actual costs of that portion of the salaries of family court
23 commissioners appointed pursuant to the provisions of sections
24 487.020 to 487.040, RSMo.

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

27 488.4014. 1. A fee of ten dollars, as provided in section
28 67.133, RSMo, shall be assessed in all cases in which the

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

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

25 488.5021. 1. In addition to any other assessment
26 authorized by law, a court may assess a fee of twenty dollars on
27 each person who pays a court ordered penalty, fine or sanction on
28 a time payment basis, including parking penalties, restitution

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

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

20 488.5320. 1. Sheriffs, county marshals or other officers
21 shall be allowed a charge[, as provided in section 57.290, RSMo,]
22 for their services rendered in criminal cases and in all
23 proceedings for contempt or attachment, as required by law, the
24 sum of seventy-five dollars for each felony case or contempt or
25 attachment proceeding, ten dollars for each misdemeanor case, and
26 six dollars for each infraction, excluding cases disposed of by a
27 traffic violations bureau established pursuant to law or supreme
28 court rule. Such charges shall be charged and collected in the

manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] 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 [section 57.290, RSMo] subsection 1 of this section.

3. [As provided in section 57.290, RSMo,] In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city or county having a population 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[, as provided in section 57.290, RSMo,] 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[, as provided in section 57.290, RSMo,] receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall[, as provided in section 57.290, RSMo,] receive the mileage rate prescribed by this section [57.290, RSMo,] for the distance necessarily traveled in going to and returning from the reception

1 and diagnostic center, the time and distance to be estimated by
2 the most usually traveled route from the place of departure to
3 the reception and diagnostic center; the mileage rate prescribed
4 by this section [57.290, RSMo,] for each mile traveled shall be
5 allowed to the sheriff to cover all expenses on each convicted
6 offender while being taken to the reception and diagnostic
7 center; and all persons convicted and sentenced to imprisonment
8 in the department of corrections at any term or sitting of the
9 court, shall be taken to the reception and diagnostic center at
10 the same time, unless prevented by sickness or unavoidable
11 accident. In cities having a population of two hundred thousand
12 inhabitants or more, convicted offenders shall be taken to the
13 reception and diagnostic center as often as the sheriff deems
14 necessary. When three or more convicted offenders are being
15 taken to the reception and diagnostic center at one time, a guard
16 may be employed[, as provided in section 57.290, RSMo,] but no
17 guard shall be employed for a less number of convicted offenders
18 except upon the order, entered of record, of the judge of the
19 court in which the conviction was had, and any additional guards
20 employed by order of the judge shall, in no event, exceed one for
21 every three convicted offenders; and before any claim for taking
22 convicted offenders to the reception and diagnostic center is
23 allowed, the sheriff, or other officer conveying such convicted
24 offender, shall file with the state commissioner of
25 administration an itemized statement of such sheriff's account,
26 in which the sheriff shall give the name of each convicted
27 offender conveyed and the name of each guard actually employed,
28 with the number of miles necessarily traveled and the number of

1 days required, which in no case shall exceed three days, and
2 which account shall be signed and sworn to by such officer and
3 accompanied by a certificate from the chief administrative
4 officer or such officer's designee of the reception and
5 diagnostic center, that such convicted offenders have been
6 delivered at the reception and diagnostic center and were
7 accompanied by each of the officers and guards named in the
8 account.

9 5. The sheriff or other officer who shall take a person,
10 charged with a criminal offense, from the county in which the
11 offender is apprehended to that in which the offense was
12 committed, or who may remove a prisoner from one county to
13 another for any cause authorized by law, or who shall have in
14 custody or under such sheriff's or officer's charge any person
15 undergoing an examination preparatory to such person's commitment
16 more than one day for transporting, safekeeping and maintaining
17 any such person, shall be allowed by the court having cognizance
18 of the offense, three dollars and fifty cents per day[, as
19 provided in section 57.290, RSMo,] for every day such sheriff or
20 officer may have such person under such sheriff's or officer's
21 charge, when the number of days shall exceed one, and the mileage
22 rate prescribed by this section [57.290, RSMo,] for every mile
23 necessarily traveled in going to and returning from one county to
24 another, and the guard employed, who shall in no event exceed the
25 number allowed the sheriff, marshal or other officer in
26 transporting convicted offenders to the reception and diagnostic
27 center, shall be allowed[, as provided in section 57.290, RSMo,]
28 the same compensation as the officer. Three dollars and fifty

1 cents per day, mileage same as officer, shall be allowed for
2 board and all other expenses of each prisoner. No compensation
3 shall be allowed under this section for taking the prisoner or
4 prisoners from one place to another in the same county, excepting
5 in counties which have two or more courts with general criminal
6 jurisdiction. In such counties the sheriff shall have the same
7 fees for conveying prisoners from the jail to place of trial as
8 are allowed for conveying prisoners in like cases from one county
9 to another, and the expenses incurred in transporting prisoners
10 from one county to another, occasioned by the insufficiency of
11 the county jail or threatened mob violence, shall be paid by the
12 county in which such case may have originated; provided that the
13 court is held at a place more than five miles from the jail; and
14 no court shall allow the expense of a guard, although it may have
15 actually been incurred, unless from the evidence of disinterested
16 persons it shall be satisfied that a guard was necessary;
17 provided, that when the place of conviction is remote from a
18 railroad, upon which a convicted offender may be transported to
19 the reception and diagnostic center, the court before which such
20 convicted offender is sentenced may, for good cause shown, allow
21 one guard for every two convicted offenders, such guard to
22 receive three dollars a day and the mileage rate prescribed by
23 this section [57.290, RSMo,] for every mile necessarily traveled
24 in going to and returning from the nearest depot on such railroad
25 to the place where such convicted offender was sentenced.

26 6. The charges provided in subsection 1 of this section
27 shall be taxed as other costs in criminal [procedure] proceedings
28 immediately [after conviction] upon a plea of guilty or a finding

1 of guilt of any defendant in any criminal procedure. The clerk
2 shall tax all the costs in the case against such defendant, which
3 shall be collected and disbursed as provided by sections 488.010
4 to 488.020; provided, that no such charge shall be collected in
5 any proceeding in any court when the proceeding or the defendant
6 has been dismissed by the court; provided further, that all
7 costs, incident to the issuing and serving of writs of scire
8 facias and of writs of fieri facias, and of attachments for
9 witnesses of defendant, shall in no case be paid by the state,
10 but such costs incurred under writs of fieri facias and scire
11 facias shall be paid by the defendant and such defendant's
12 sureties, and costs for attachments for witnesses shall be paid
13 by such witnesses.

14 7. Mileage shall be reimbursed to sheriffs, county marshals
15 and guards for all services rendered pursuant to this section
16 [57.290, RSMo,] at the rate prescribed by the Internal Revenue
17 Service for allowable expenses for motor vehicle use expressed as
18 an amount per mile.

19 491.300. 1. Interpreters and translators in civil and
20 criminal cases shall be allowed a reasonable fee approved by the
21 court.

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

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

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

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

26 [3.] 4. The names of potential jurors on the master jury
27 list shall be considered a public record. The master jury list
28 and copies of all records used in compiling the list shall be

1 retained by the board of jury commissioners for at least five
2 years after compilation of the list.

3 494.415. 1. From time to time and in a manner prescribed
4 by the board of jury commissioners there shall be drawn at random
5 from the master jury list the names or identifying numbers of as
6 many prospective jurors as the court may require. The board of
7 jury commissioners shall cause to be served in a manner
8 prescribed by law for the service of summons or by ordinary mail,
9 as determined by the board, a summons for jury service and a
10 juror qualification form. The juror qualification form shall be
11 approved by the circuit court en banc and shall:

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

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

16 (3) Elicit information concerning the prospective juror's
17 qualifications.

18 Notarization of the juror qualification form shall not be
19 required. If the prospective juror is unable to fill out the
20 juror qualification form, another person may do it for the
21 prospective juror and shall so indicate and the reason therefor.
22 Any prospective juror who fails to return a completed juror
23 qualification form as instructed may be directed by the board of
24 jury commissioners to appear forthwith to fill out a juror
25 qualification form.

26 2. If it is determined from an examination of the juror
27 qualification form that a person is not qualified to serve as a
28 juror, that prospective juror shall be notified in a manner

1 directed by the board of jury commissioners and shall not be
2 required to comply with the summons for jury service. Such names
3 shall be deleted from the master jury list.

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

8 4. Those prospective jurors not disqualified from jury
9 service shall constitute the qualified jury list. If any
10 prospective juror is later determined to be ineligible or
11 disqualified, such name shall be deleted from the qualified jury
12 list and the master jury list.

13 5. The qualified jury list shall only be disclosed pursuant
14 to local court rule.

15 494.420. 1. Those persons constituting the qualified jury
16 list, when summoned, shall be placed under the control and
17 supervision of the sheriff or other person designated by the
18 board of jury commissioners in a designated area to be provided
19 in the courthouse.

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

25 3. The petit jury list shall only be disclosed pursuant to
26 local court rule.

27 494.430. Upon timely application to the court, the
28 following persons shall be excused from service as a petit or

1 grand juror:

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

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

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

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

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

15 506.060. 1. In computing any period of time prescribed or
16 allowed by this code, by order of court, or by any applicable
17 statute, the day of the act, event or default after which the
18 designated period of time begins to run is not to be included.
19 The last day of the period so computed is to be included, unless
20 it is a Saturday, Sunday or a legal holiday, in which event the
21 period runs until the end of the next day which is neither a
22 Saturday, Sunday nor a legal holiday. When the period of time
23 prescribed or allowed is less than seven days, intermediate
24 Saturdays, Sundays and legal holidays shall be excluded in the
25 computation. [A half holiday shall be considered as other days
26 and not as a legal holiday.]

27 2. When by this code or by a notice given thereunder or by
28 order of the court an act is required or allowed to be done at or

1 within a specified time, the court for cause shown may, at any
2 time in its discretion;

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

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

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

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

1 served at some other time.

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

1 session, or veto session of the general assembly.

2 511.510. 1. It shall be the duty of each of the circuit
3 clerks, within five days after the rendition of any final
4 judgment in their respective courts, to enter an abstract of such
5 judgment in the record as required in section 511.500; and each
6 circuit clerk shall immediately enter the same when the abstract
7 aforesaid shall be furnished to such clerk by any party
8 interested, or such party's agent; and each of the clerks and
9 their sureties shall be respectively liable for any damage
10 occasioned by any neglect to perform the duties hereby required
11 of them respectively. [; and it is further provided, that]

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

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

24 516.097. 1. Any action to recover damages for economic
25 loss, personal injury, property damage or wrongful death arising
26 out of a defective or unsafe condition of any improvement to real
27 property, including any action for contribution or indemnity for
28 damages sustained on account of the defect or unsafe condition,

1 shall be commenced within ten years of the date on which [any]
2 such improvement is completed.

3 2. This section shall only apply to actions against any
4 person whose sole connection with the improvement is performing
5 or furnishing, in whole or in part, the design, planning or
6 construction, including architectural, engineering or
7 construction services, of the improvement.

8 3. If any action is commenced against any person specified
9 by subsection 2[, any] of this section, such person may, within
10 one year of the date of the filing of such [an] action,
11 notwithstanding the provisions of subsection 1 of this section,
12 commence an action or a third party action for contribution or
13 indemnity for damages sustained or claimed in any action because
14 of economic loss, personal injury, property damage or wrongful
15 death arising out of a defective or unsafe condition of any
16 improvement to real property.

17 4. This section shall not apply [if]:

18 (1) If an action is barred by another provision of law;

19 (2) If a person conceals any defect or deficiency in the
20 design, planning or construction, including architectural,
21 engineering or construction services, in an improvement for real
22 property, if the defect or deficiency so concealed directly
23 results in the defective or unsafe condition for which the action
24 is brought;

25 (3) [The] To limit any action [is] brought against any
26 owner or possessor of real estate or improvements [thereon] on
27 such real estate.

28 5. The statute of limitation for buildings completed on

1 August 13, 1976, shall begin to run on August 13, 1976, and shall
2 be for the time specified [herein] in this section.

3 6. Notwithstanding subsection 1 of section 516.097, if an
4 occupancy permit is issued, the ten year period shall commence on
5 the date the occupancy permit is issued.

6 517.111. [1.] When a case is dismissed, or judgment is by
7 default or consent, such judgment shall be entered forthwith by
8 the judge.

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

13 537.605. The state of Missouri, in its capacity as an
14 employer, shall be subject to the provisions of the federal
15 Family and Medical Leave Act, 29 U.S.C. Section 2601, et seq., as
16 such law exists on January 1, 2002, and shall be liable for any
17 violation of such act. The state of Missouri waives its
18 sovereign immunity for purposes of enforcement of such act;
19 except that no judgment entered against the state of Missouri
20 shall exceed the liability limits established in section 537.610.

21 537.617. 1. The state of Missouri hereby grants limited
22 consent to be sued under the Americans with Disabilities Act, 42
23 U.S.C. Section 12101, et seq., in the state courts of Missouri.
24 The state of Missouri does not consent to be sued under the
25 Americans with Disabilities Act in federal courts.

26 2. The consent granted in subsection 1 of this section is
27 for a maximum monetary award in the amounts described in section
28 537.610. No state court shall enter a judgment for an amount in

1 excess of the monetary limits in section 537.610. Such monetary
2 limits shall apply regardless of whether the state has insurance
3 for defense of the claim. The amount may include attorneys'
4 fees, but shall not include punitive or exemplary damages.

5 3. The provisions of this section shall apply to all
6 actions pending or initiated on or after the effective date of
7 this section.

8 550.130. The bill of costs in any case, as provided for in
9 [section] sections 550.120 and 550.135, shall be certified to by
10 the judge and prosecuting attorney, as now provided by law, and
11 shall be presented to the county commission in which the
12 indictment was originally found, or proceedings instituted, and
13 shall thereupon be paid as if the cause had been tried or
14 otherwise disposed of in said county.

15 550.135. In any criminal case in which a change of venue is
16 taken from one county to another county the clerk of the court
17 shall calculate, at the end of each month, all costs which have
18 accrued during that month and which can be determined before the
19 final disposition of the case. If the state or county is liable
20 under the provisions of this chapter for such costs or any part
21 thereof, he or she shall make out and deliver forthwith to the
22 prosecuting attorney of said county a fee bill specifying each
23 item of services and the fee therefor.

24 550.140. Except as provided in section 550.135, the clerk
25 of the court in which any criminal cause shall have been
26 determined or continued generally shall, immediately after the
27 adjournment of the court and before the next succeeding term,
28 calculate all costs which have accrued in the case. If the state

1 or county is liable under the provisions of this chapter for
2 costs or any part thereof, he or she shall make out and deliver
3 forthwith to the prosecuting attorney of said county a complete
4 fee bill, specifying each item of services and the fee therefor.
5 The circuit clerk shall prepare a bill against the state
6 containing only costs which are payable to the county.

7 550.180. If any clerk shall fail to tax the costs and make
8 out a proper fee bill, or shall willfully neglect to perform any
9 duty required of him or her in sections [550.140] 550.135 and
10 550.190, he or she shall be liable to the person injured by such
11 neglect in treble the amount of costs to which the party is
12 entitled in the cause, and the court shall give judgment therefor
13 against the clerk, on motion of the party entitled thereto;
14 provided, that the party asking such judgment shall give two
15 days' notice of such motion, which may be served on the clerk or
16 his or her deputy.

17 550.190. The prosecuting attorney shall strictly examine
18 each bill of costs which shall be delivered to him or her, as
19 provided in [section] sections 550.135 and 550.140, for allowance
20 against the state or county, and shall ascertain as far as
21 possible whether the services have been rendered for which the
22 charges are made, and whether the fees charged are expressly
23 given by law for such services, or whether greater charges are
24 made than the law authorizes. If the fee bill has been made out
25 according to law, or if not, after correcting all errors therein,
26 he or she shall report the same to the judge of the court, either
27 in term or in vacation, and if the same appears to be formal and
28 correct, the judge and prosecuting attorney shall certify to the

1 commissioner of administration, or clerk of the county
2 commission, accordingly as the state or county is liable, the
3 amount of costs due by the state or county on the fee bill, and
4 deliver the same to the clerk who made it out, to be collected
5 without delay, and paid over to those entitled to the fees
6 allowed.

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

20 550.295. At the end of each month after the receipt, from
21 either the state auditor or the county clerk, of each criminal
22 court cost bill in any criminal case in which a change of venue
23 was taken from one county to another county, the treasurer shall
24 strike a balance of the same, and shall turn over the amounts
25 collected on account of the various items of indebtedness herein
26 mentioned to the various funds to which they belong or in the
27 manner provided by sections 488.010 to 488.020, RSMo. And all
28 uncalled for fees paid by the state shall be promptly transmitted

1 to the state director of revenue who shall deposit the same in
2 the state treasury, and those paid by the county shall be turned
3 over to the credit of the county revenue fund.

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

16 565.030. 1. Where murder in the first degree is charged
17 but not submitted or where the state waives the death penalty,
18 the submission to the trier and all subsequent proceedings in the
19 case shall proceed as in all other criminal cases with a single
20 stage trial in which guilt and punishment are submitted together.

21 2. Where murder in the first degree is submitted to the
22 trier without a waiver of the death penalty, the trial shall
23 proceed in two stages before the same trier. At the first stage
24 the trier shall decide only whether the defendant is guilty or
25 not guilty of any submitted offense. The issue of punishment
26 shall not be submitted to the trier at the first stage. If an
27 offense is charged other than murder in the first degree in a
28 count together with a count of murder in the first degree, the

1 trial judge shall assess punishment on any such offense according
2 to law, after the defendant is found guilty of such offense and
3 after he finds the defendant to be a prior offender pursuant to
4 chapter 558, RSMo.

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

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

1 right to open and close the argument. The trier shall assess and
2 declare the punishment at life imprisonment without eligibility
3 for probation, parole, or release except by act of the governor:

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

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

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

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

17 If the trier assesses and declares the punishment at death it
18 shall, in its findings or verdict, set out in writing the
19 aggravating circumstance or circumstances listed in subsection 2
20 of section 565.032 which it found beyond a reasonable doubt. If
21 the trier is a jury [it shall be instructed before the case is
22 submitted that if it is] and nine of the twelve jurors are unable
23 to decide or agree upon setting the punishment at death, the
24 court shall assess and declare the punishment at life
25 imprisonment without eligibility for probation, parole, or
26 release except by act of the governor [or death]; and the jury
27 shall be accordingly instructed before the case is submitted.

28 The court shall follow the same procedure as set out in this

1 section whenever it is required to determine punishment for
2 murder in the first degree.

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

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

17 7. The provisions of this section shall only govern
18 offenses committed on or after August 28, 2001.

19 565.084. 1. A person commits the crime of tampering with a
20 judicial officer if, with the purpose to harass, intimidate, or
21 influence a judicial officer in the performance of such officer's
22 official duties, [he] the actor:

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

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

28 (3) Offers, conveys or agrees to convey any benefit direct

1 or indirect upon such judicial officer or such judicial officer's
2 family;

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

6 2. A judicial officer for purposes of this section shall be
7 a judge, arbitrator, special master, juvenile court commissioner,
8 drug court commissioner, family court commissioner, state
9 probation or parole officer, juvenile court officer or referee.

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

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

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

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

17 577.051. 1. A record of the [final] disposition in any
18 court proceeding involving a violation of any of the provisions
19 of sections 577.005 to 577.023, or violation of county or
20 municipal ordinances involving alcohol- or drug-related driving
21 offenses, [pleas of guilty, findings of guilty, suspended
22 imposition of sentence, suspended execution of sentence,
23 probation, conditional sentences and sentences of confinement]
24 shall be forwarded to the Missouri state highway patrol, or at
25 the written direction of the Missouri state highway patrol, to
26 the department of revenue, within fifteen days by the clerk of
27 the court in which the proceeding was held and shall be entered
28 by the highway patrol or department of revenue in the Missouri

1 uniform law enforcement system records. Dispositions that shall
2 be reported are pleas of guilty, findings of guilt, suspended
3 imposition of sentence, suspended execution of sentence,
4 probation, conditional sentences, sentences of confinement and
5 any other such dispositions that may be required under state or
6 federal regulations. The record forwarded by the clerk shall
7 clearly show the court, the court case number, the name, address,
8 and motor vehicle operator's or chauffeur's license number of the
9 person who is the subject of the proceeding, the code or number
10 identifying the particular arrest, and any court action or
11 requirements pertaining thereto.

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

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

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

1 shall be applied prior to July 1, 1983.

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

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

11 589.410. The chief law enforcement official shall forward
12 the completed offender registration form to the Missouri state
13 highway patrol within three days. The patrol shall enter the
14 information into the Missouri uniform law enforcement system
15 (MULES) where it is available to members of the criminal justice
16 system, courts and other entities as provided by law upon
17 inquiry.

18 595.045. 1. There is established in the state treasury the
19 "Crime Victims' Compensation Fund". A surcharge of seven dollars
20 and fifty cents shall be assessed as costs in each court
21 proceeding filed in any court in the state in all criminal cases
22 including violations of any county ordinance or any violation of
23 criminal or traffic laws of the state, including an infraction
24 and violation of a municipal ordinance; except that no such fee
25 shall be collected in any proceeding in any court when the
26 proceeding or the defendant has been dismissed by the court or
27 when costs are to be paid by the state, county, or municipality.
28 A surcharge of seven dollars and fifty cents shall be assessed as

1 costs in a juvenile court proceeding in which a child is found by
2 the court to come within the applicable provisions of subdivision
3 (3) of subsection 1 of section 211.031, RSMo.

4 2. Notwithstanding any other provision of law to the
5 contrary, the moneys collected by clerks of the courts pursuant
6 to the provisions of subsection 1 of this section shall be
7 collected and disbursed in accordance with sections 488.010 to
8 488.020, RSMo, and shall be payable to the director of the
9 department of revenue.

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

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

1 funds shall be subject to the following provisions:

2 (1) On the first of every month, the director of revenue or
3 the director's designee shall determine the balance of the funds
4 in the crime victims' compensation fund available to satisfy the
5 amount of compensation payable pursuant to sections 595.010 to
6 595.075, excluding sections 595.050 and 595.055;

7 (2) Beginning on October 1, 1996, and on the first of each
8 month, if the balance of the funds available exceeds one million
9 dollars plus one hundred percent of the previous twelve months'
10 actual expenditures, excluding the immediate past calendar
11 month's expenditures, paid pursuant to sections 595.010 to
12 595.075, excluding sections 595.050 and 595.055, then the
13 director of revenue or the director's designee shall deposit
14 fifty percent to the credit of the crime victims' compensation
15 fund and fifty percent to the services to victims' fund
16 established in section 595.100;

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

27 5. The director of revenue or such director's designee
28 shall at least monthly report the moneys paid pursuant to this

1 section into the crime victims' compensation fund and the
2 services to victims fund to the division of workers' compensation
3 and the department of public safety, respectively.

4 6. The moneys collected by clerks of municipal courts
5 pursuant to subsection 1 of this section shall be collected and
6 disbursed as provided by sections 488.010 to 488.020, RSMo. Five
7 percent of such moneys shall be payable to the city treasury of
8 the city from which such funds were collected. The remaining
9 ninety-five percent of such moneys shall be payable to the
10 director of revenue. The funds received by the director of
11 revenue pursuant to this subsection shall be distributed as
12 follows:

13 (1) On the first of every month, the director of revenue or
14 the director's designee shall determine the balance of the funds
15 in the crime victims' compensation fund available to satisfy the
16 amount of compensation payable pursuant to sections 595.010 to
17 595.075, excluding sections 595.050 and 595.055;

18 (2) Beginning on October 1, 1996, and on the first of each
19 month, if the balance of the funds available exceeds one million
20 dollars plus one hundred percent of the previous twelve months'
21 actual expenditures, excluding the immediate past calendar
22 month's expenditures, paid pursuant to sections 595.010 to
23 595.075, excluding sections 595.050 and 595.055, then the
24 director of revenue or the director's designee shall deposit
25 fifty percent to the credit of the crime victims' compensation
26 fund and fifty percent to the services to victims' fund
27 established in section 595.100;

28 (3) Beginning on October 1, 1996, and on the first of each

1 month, if the balance of the funds available is less than one
2 million dollars plus one hundred percent of the previous twelve
3 months' actual expenditures, excluding the immediate past
4 calendar month's expenditures, paid pursuant to sections 595.010
5 to 595.075, excluding sections 595.050 and 595.055, then the
6 director of revenue or the director's designee shall deposit
7 seventy-five percent to the credit of the crime victims'
8 compensation fund and twenty-five percent to the services to
9 victims' fund established in section 595.100.

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

14 8. In addition to the moneys collected pursuant to
15 subsection 1 of this section, the court shall enter a judgment in
16 favor of the state of Missouri, payable to the crime victims'
17 compensation fund, of sixty-eight dollars [if the conviction is]
18 upon a plea of guilty or finding of guilt for a class A or B
19 felony; forty-six dollars [if the conviction is] upon a plea of
20 guilty or finding of guilt for a class C or D felony; and ten
21 dollars [if the conviction is] upon a plea of guilty or finding
22 of guilt for any misdemeanor under [the following] Missouri
23 [laws:

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

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

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

1 (4) Chapter 565, RSMo, relating to offenses against the
2 person;
3 (5) Chapter 566, RSMo, relating to sexual offenses;
4 (6) Chapter 567, RSMo, relating to prostitution;
5 (7) Chapter 568, RSMo, relating to offenses against the
6 family;
7 (8) Chapter 569, RSMo, relating to robbery, arson, burglary
8 and related offenses;
9 (9) Chapter 570, RSMo, relating to stealing and related
10 offenses;
11 (10) Chapter 571, RSMo, relating to weapons offenses;
12 (11) Chapter 572, RSMo, relating to gambling;
13 (12) Chapter 573, RSMo, relating to pornography and related
14 offenses;
15 (13) Chapter 574, RSMo, relating to offenses against public
16 order;
17 (14) Chapter 575, RSMo, relating to offenses against the
18 administration of justice;
19 (15) Chapter 577, RSMo, relating to public safety offenses]
20 law except for those in chapter 252, RSMo, relating to fish and
21 game, chapter 302, RSMo, relating to drivers' and commercial
22 drivers' licensing, chapter 303, RSMo, relating to motor vehicle
23 financial responsibility, chapter 304, RSMo, relating to traffic
24 regulations, chapter 306, RSMo, relating to watercraft regulation
25 and licensing, and chapter 307, RSMo, relating to vehicle
26 equipment regulations. Any clerk of the court receiving moneys
27 pursuant to such judgments shall collect and disburse such crime
28 victims' compensation judgments in the manner provided by

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

4 9. The clerk of the court processing such funds shall
5 maintain records of all dispositions described in subsection 1 of
6 this section and all dispositions where a judgment has been
7 entered against a defendant in favor of the state of Missouri in
8 accordance with this section; all payments made on judgments for
9 alcohol-related traffic offenses; and any judgment or portion of
10 a judgment entered but not collected. These records shall be
11 subject to audit by the state auditor. The clerk of each court
12 transmitting such funds shall report separately the amount of
13 dollars collected on judgments entered for alcohol-related
14 traffic offenses from other crime victims' compensation
15 collections or services to victims collections.

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

20 11. The department of revenue shall maintain records of
21 funds transmitted to the crime victims' compensation fund by each
22 reporting court and collections pursuant to subsection 18 of this
23 section and shall maintain separate records of collection for
24 alcohol-related offenses.

25 12. Notwithstanding any other provision of law to the
26 contrary, the provisions of subsections 9 and 10 of this section
27 shall expire and be of no force and effect upon the effective
28 date of the supreme court rule adopted pursuant to sections

1 488.010 to 488.020, RSMo.

2 13. The state courts administrator shall include in the
3 annual report required by section 476.350, RSMo, the circuit
4 court caseloads and the number of crime victims' compensation
5 judgments entered.

6 14. All awards made to injured victims under sections
7 595.010 to 595.105 and all appropriations for administration of
8 sections 595.010 to 595.105, except sections 595.050 and 595.055,
9 shall be made from the crime victims' compensation fund. Any
10 unexpended balance remaining in the crime victims' compensation
11 fund at the end of each biennium shall not be subject to the
12 provision of section 33.080, RSMo, requiring the transfer of such
13 unexpended balance to the ordinary revenue fund of the state, but
14 shall remain in the crime victims' compensation fund. In the
15 event that there are insufficient funds in the crime victims'
16 compensation fund to pay all claims in full, all claims shall be
17 paid on a pro rata basis. If there are no funds in the crime
18 victims' compensation fund, then no claim shall be paid until
19 funds have again accumulated in the crime victims' compensation
20 fund. When sufficient funds become available from the fund,
21 awards which have not been paid shall be paid in chronological
22 order with the oldest paid first. In the event an award was to
23 be paid in installments and some remaining installments have not
24 been paid due to a lack of funds, then when funds do become
25 available that award shall be paid in full. All such awards on
26 which installments remain due shall be paid in full in
27 chronological order before any other postdated award shall be
28 paid. Any award pursuant to this subsection is specifically not

1 a claim against the state, if it cannot be paid due to a lack of
2 funds in the crime victims' compensation fund.

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

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

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

27 18. Any gifts, contributions, grants or federal funds
28 specifically given to the division for the benefit of victims of

1 crime shall be credited to the crime victims' compensation fund.
2 Payment or expenditure of moneys in such funds shall comply with
3 any applicable federal crime victims' compensation laws, rules,
4 regulations or other applicable federal guidelines.

5 640.825. In all matters heard by the department of natural
6 resources in chapters 260, 278, 444, 640, 643, and 644, RSMo, the
7 hazardous waste management commission in chapter 260, RSMo, the
8 state soil and water districts commission in chapter 278, RSMo,
9 the land reclamation commission in chapter 444, RSMo, the safe
10 drinking water commission in this chapter, the air conservation
11 commission in chapter 643, RSMo, and the clean water commission
12 in chapter 644, RSMo, the burden of proof shall be upon the
13 department of natural resources or the commission that issued the
14 finding, order, decision or assessment being appealed, except
15 that in matters involving the denial of a permit, license or
16 registration, the burden of proof shall be on the applicant for
17 such permit, license or registration, and except further, unless
18 otherwise provided by law, that in any matter where any person or
19 persons, other than the applicant, appeals the issuance of any
20 such permit, license or registration, or any term or condition
21 thereof, the burden of proof shall be on such person or persons.

22 644.036. 1. No standard, rule or regulation or any
23 amendment or repeal thereof shall be adopted except after a
24 public hearing to be held after thirty days' prior notice by
25 advertisement of the date, time and place of the hearing and
26 opportunity given to the public to be heard. Notice of the
27 hearings and copies of the proposed standard, rule or regulation
28 or any amendment or repeal thereof shall also be given by regular

1 mail, at least thirty days prior to the scheduled date of the
2 hearing, to any person who has registered with the director for
3 the purpose of receiving notice of such public hearings in
4 accordance with the procedures prescribed by the commission at
5 least forty-five days prior to the scheduled date of the hearing.
6 However, this provision shall not preclude necessary changes
7 during this thirty-day period.

8 2. At the hearing, opportunity to be heard by the
9 commission with respect to the subject thereof shall be afforded
10 any interested person upon written request to the commission,
11 addressed to the director, not later than seven days prior to the
12 hearing, and may be afforded to other persons if convenient. In
13 addition, any interested persons, whether or not heard, may
14 submit, within seven days subsequent to the hearings, a written
15 statement of their views. The commission may solicit the views,
16 in writing, of persons who may be affected by, or interested in,
17 proposed rules and regulations, or standards. Any person heard
18 or represented at the hearing or making written request for
19 notice shall be given written notice of the action of the
20 commission with respect to the subject thereof.

21 3. Any standard, rule or regulation or amendment or repeal
22 thereof shall not be deemed adopted or in force and effect until
23 it has been approved in writing by at least four members of the
24 commission. A standard, rule or regulation or an amendment or
25 repeal thereof shall not become effective until a certified copy
26 thereof has been filed with the secretary of state as provided in
27 chapter 536, RSMo.

28 4. Unless prohibited by any federal water pollution control

1 act, any standard, rule or regulation or any amendment or repeal
2 thereof which is adopted by the commission may differ in its
3 terms and provisions as between particular types and conditions
4 of water quality standards or of water contaminants, as between
5 particular classes of water contaminant sources, and as between
6 particular waters of the state.

7 5. Any listing, designation, standard, rule or regulation
8 that will result in the waters of this state to be classified,
9 designated, qualified or allocated as impaired, contaminated,
10 impacted or deteriorated shall be adopted by rule pursuant to
11 chapter 536, RSMo.

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

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

23 (3) The department of revenue shall notify the office of
24 state courts administrator that a refund has been setoff on
25 behalf of a court and shall certify the amount of such setoff,
26 which shall not exceed the amount of the claimed debt certified.
27 When the refund owed exceeds the claimed debt, the department of
28 revenue shall send the excess amount to the debtor within a

1 reasonable time after such excess is determined.

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

5 (a) The name of the debtor;

6 (b) The manner in which the debt arose;

7 (c) The amount of the claimed debt and the department's
8 intention to setoff the refund against the debt;

9 (d) The amount, if any, of the refund due after setoff of
10 the refund against the debt; and

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

14
15 Any debtor applying to the court for review of the setoff must
16 file a written application within thirty days of the date of
17 mailing of the notice and send a copy of the application to the
18 office of state courts administrator. The application for review
19 of the setoff shall contain the name of the debtor, the case name
20 and number from which the debt arose, and the grounds for review.
21 The court may upon application, or on its own motion, hold a
22 hearing on the application. The hearing shall be ancillary to
23 the original action with the only matter for determination
24 whether the refund setoff was appropriate because the debt was
25 unsatisfied at the time the court reported the delinquency to the
26 office of state courts administrator and that the debt remains
27 unsatisfied. In the case of a joint or combined return, the
28 notice sent by the department shall contain the name of the

1 nonobligated taxpayer named in the return, if any, against whom
2 no debt is claimed. The notice shall state that as to the
3 nonobligated taxpayer that no debt is owed and that the taxpayer
4 is entitled to a refund regardless of the debt owed by such other
5 person or persons named on the joint or combined return. The
6 nonobligated taxpayer may seek a refund as provided in section
7 143.784, RSMo.

8 (5) Upon receipt of funds transferred from the department
9 of revenue to the office of state courts administrator pursuant
10 to a refund setoff, the state courts administrator shall deposit
11 such funds in the state treasury to be held in an escrow account,
12 which is hereby established. Interest earned on those funds
13 shall be credited to the escrow account and used to offset
14 administrative expenses. If a debtor files with a court an
15 application for review, the state courts administrator shall hold
16 such sums in question until directed by such court to release the
17 funds. If no application for review is filed, the state courts
18 administrator shall, within forty-five days of receipt of funds
19 from the department, send to the clerk of the court in which the
20 debt arose such sums as are collected by the department of
21 revenue for credit to the debtor's account.

22 Section 2. The official conducting the court-issued warrant
23 check pursuant to section 221.510, RSMo, shall contact the
24 issuing jurisdiction within twenty-four hours of the check. The
25 issuing jurisdiction, if within the state of Missouri, shall
26 acknowledge notification within twenty-four hours and remove the
27 prisoner within forty-eight hours of notification. Failure to
28 pick up the prisoner within forty-eight hours of notification may

1 result in the prisoner's release by the holding institution, and
2 shall result in a billing to the issuing authority by the holding
3 authority for each day following notification that the prisoner
4 is held on the detainer at a rate not to exceed three times the
5 prisoner's actual per diem cost to confine. The issuing
6 authority shall be responsible for making such payment within
7 thirty days.

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

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

22 2. As used herein, the term "consumer service contract" is
23 a contract for the purchase of work, labor or services, including
24 services furnished in connection with the sale, maintenance,
25 lease, rent or repair of goods or equipment; but shall not
26 include pre-paid service contracts.

27 Section 5. No statement made by a defendant, while in
28 police custody and in response to police questioning, shall be

1 admitted as evidence in a criminal case unless it was voluntarily
2 given. To determine if such a statement was voluntarily given,
3 the trial court shall examine the totality of the circumstances
4 surrounding the giving of the statement. A statement is not
5 voluntarily given if, at the time the statement. A statement is
6 not voluntarily given if, at the time the statement was made, the
7 defendant was deprived of the free choice to admit, deny, or
8 refuse to answer questions and subjected to physical or
9 psychological coercion of a degree sufficient to overbear the
10 defendant's will. Circumstances that may be considered in this
11 examination include, but are not limited to:

12 (1) Age of the defendant;

13 (2) Intelligence of the defendant;

14 (3) Level of education of the defendant;

15 (4) Health of the defendant;

16 (5) Duration or length of the questioning and the
17 opportunity for breaks and refreshment;

18 (6) Whether promises of leniency were made during the
19 questioning and the nature of such promises;

20 (7) Whether any threats were made or whether any physical
21 force was used during questioning;

22 (8) Whether the defendant was suffering from a mental
23 disease or defect at the time of the questioning and, if so, the
24 extent thereof;

25 (9) Whether the defendant is mentally retarded and, if so,
26 the extent thereof.

27 (10) Whether the defendant was under the influence of
28 alcohol, drugs or any combination of drugs and alcohol and the

1 extent thereof.

2 Section 6. Any sewer district created pursuant to Article
3 VI, Section 30 of the Missouri Constitution shall retain a
4 qualified independent third party to implement an independent
5 study, no later than January 1, 2003, to determine any and all
6 effects of privatization on any and all aspects of such sewer
7 district. Such independent third party shall have prior
8 experience in privatization studies for municipalities including,
9 but not limited to, planning, design, construction and operation
10 of water, wastewater, stormwater and related facilities.
11 Additionally, such independent third party shall possess
12 expertise in process, electrical and instrumentation engineering.
13 All findings and conclusions resulting from such privatization
14 study, including any and all supporting documentation, shall be
15 presented, in total, by such independent third party, to such
16 sewer district's board of trustees no later than January 1, 2004.

17 [57.290. 1. Sheriffs, county marshals or other
18 officers shall be allowed a charge for their services
19 rendered in criminal cases and in all proceedings for
20 contempt or attachment, as required by law, the sum of
21 seventy-five dollars for each felony case or contempt
22 or attachment proceeding, ten dollars for each
23 misdemeanor case, and six dollars for each infraction,
24 excluding cases disposed of by a traffic violations
25 bureau established pursuant to law or supreme court
26 rule. Such charges shall be charged and collected in
27 the manner provided by sections 488.010 to 488.020,
28 RSMo, and shall be payable to the county treasury.

29 2. The sheriff receiving any charge pursuant to
30 subsection 1 of this section shall reimburse the
31 sheriff of any other county or the city of St. Louis
32 the sum of three dollars for each pleading, writ,
33 summons, order of court or other document served in
34 connection with the case or proceeding by the sheriff
35 of the other county or city, and return made thereof,
36 to the maximum amount of the total charge received
37 pursuant to subsection 1 of this section.

38 3. In cities and counties having a population of

1 three hundred thousand inhabitants and over, each
2 deputy sheriff, not more than two, shall be allowed for
3 each day during the term of court six dollars, to be
4 paid by the city or county of three hundred thousand
5 inhabitants or over.

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

1 officer and accompanied by a certificate from the chief
2 administrative officer or such officer's designee of
3 the reception and diagnostic center, that such
4 convicted offenders have been delivered at the
5 reception and diagnostic center and were accompanied by
6 each of the officers and guards named in the account.

7 5. The sheriff or other officer who shall take a
8 person, charged with a criminal offense, from the
9 county in which the offender is apprehended to that in
10 which the offense was committed, or who may remove a
11 prisoner from one county to another for any cause
12 authorized by law, or who shall have in custody or
13 under such sheriff's or officer's charge any person
14 undergoing an examination preparatory to such person's
15 commitment more than one day for transporting,
16 safekeeping and maintaining any such person, shall be
17 allowed by the court having cognizance of the offense,
18 three dollars and fifty cents per day for every day
19 such sheriff or officer may have such person under such
20 sheriff's or officer's charge, when the number of days
21 shall exceed one, and the mileage rate prescribed by
22 this section for every mile necessarily traveled in
23 going to and returning from one county to another, and
24 the guard employed, who shall in no event exceed the
25 number allowed the sheriff, marshal or other officer in
26 transporting convicted offenders to the reception and
27 diagnostic center, shall be allowed the same
28 compensation as the officer. Three dollars and fifty
29 cents per day, mileage same as officer, shall be
30 allowed for board and all other expenses of each
31 prisoner. No compensation shall be allowed under this
32 section for taking the prisoner or prisoners from one
33 place to another in the same county, excepting in
34 counties which have two or more courts with general
35 criminal jurisdiction. In such counties the sheriff
36 shall have the same fees for conveying prisoners from
37 the jail to place of trial as are allowed for conveying
38 prisoners in like cases from one county to another, and
39 the expenses incurred in transporting prisoners from
40 one county to another, occasioned by the insufficiency
41 of the county jail or threatened mob violence, shall be
42 paid by the county in which such case may have
43 originated; provided that the court is held at a place
44 more than five miles from the jail; and no court shall
45 allow the expense of a guard, although it may have
46 actually been incurred, unless from the evidence of
47 disinterested persons it shall be satisfied that a
48 guard was necessary; provided, that when the place of
49 conviction is remote from a railroad, upon which a
50 convicted offender may be transported to the reception
51 and diagnostic center, the court before which such

1 convicted offender is sentenced may, for good cause
2 shown, allow one guard for every two convicted
3 offenders, such guard to receive three dollars a day
4 and the mileage rate prescribed by this section for
5 every mile necessarily traveled in going to and
6 returning from the nearest depot on said railroad to
7 the place where such convicted offender was sentenced.

8 6. The charges provided in subsection 1 of this
9 section shall be taxed as other costs in criminal
10 procedure immediately after conviction of any defendant
11 in any criminal procedure. The clerk shall tax all the
12 costs in the case against such defendant, which shall
13 be collected and disbursed as provided by sections
14 488.010 to 488.020, RSMo; provided, that no such charge
15 shall be collected in any proceeding in any court when
16 the proceeding or the defendant has been dismissed by
17 the court; provided further, that all costs, incident
18 to the issuing and serving of writs of scire facias and
19 of writs of fieri facias, and of attachments for
20 witnesses of defendant, shall in no case be paid by the
21 state, but such costs incurred under writs of fieri
22 facias and scire facias shall be paid by the defendant
23 and such defendant's sureties, and costs for
24 attachments for witnesses shall be paid by such
25 witnesses.

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

31
32 [67.133. 1. A fee of ten dollars shall be
33 assessed in all cases in which the defendant is
34 convicted of a nonfelony violation of any provision of
35 chapters 252, 301, 302, 304, 306, 307 and 390, RSMo,
36 and any infraction otherwise provided by law,
37 twenty-five dollars in all misdemeanor cases otherwise
38 provided by law, and seventy-five dollars in all felony
39 cases, in criminal cases including violations of any
40 county ordinance or any violation of a criminal or
41 traffic law of the state, except that no such fees
42 shall be collected in any proceeding in any court when
43 the proceeding or the defendant has been dismissed by
44 the court or when costs are to be paid by the state,
45 county or municipality. All fees collected under the
46 provisions of this section shall be collected and
47 disbursed in the manner provided by sections 488.010 to
48 488.020, RSMo, and payable to the county treasurer who
49 shall deposit those funds in the county treasury.

50 2. Counties shall be entitled to a judgment in
51 the amount of twenty-five percent of all sums collected

1 on recognizances given to the state in criminal cases,
2 which are or may become forfeited, if not more than
3 five hundred dollars, and fifteen percent of all sums
4 over five hundred dollars, to be paid out of the amount
5 collected.]
6

7 [517.141. On demand of any person interested
8 therein, whether by assignment or otherwise, every
9 clerk or officer who shall be in possession of the
10 record of judgment shall give to such person a
11 certified transcript of such judgment. Upon production
12 of any such transcript, the clerk of the circuit court
13 of the county in which the judgment was rendered shall
14 record the same in his permanent record of circuit
15 court judgments, and note therein the date and hour of
16 its filing.]