

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 404**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Judiciary April 13, 2005 with recommendation that House Committee Substitute for Senate Bill No. 404 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1527L.03C

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**AN ACT**

To repeal sections 488.031, 488.445, 488.607, and 488.5030, RSMo, and to enact in lieu thereof five new sections relating to court costs.

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

Section A. Sections 488.031, 488.445, 488.607, and 488.5030, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 488.014, 488.031, 488.445,  
3 488.607, and 488.5030, to read as follows:

**488.014. No court of record in this state, municipal division of the circuit court, or  
2 any entity collecting court costs on their behalf shall be required to refund any  
3 overpayment of court costs in an amount not exceeding five dollars or to collect any due  
4 court costs in an amount of less than five dollars.**

488.031. 1. In addition to other fees authorized by law, the clerk of each court shall  
2 collect the following fees on the filing of any civil or criminal action or proceeding, including  
3 an appeal, except that no fee shall be imposed pursuant to this section on any case that is filed  
4 charging traffic violations except alcohol-related offenses:

5	Supreme court and [courts] <b>court</b> of appeals	\$20.00;
6	Circuit [courts] <b>division</b>	\$10.00;
7	Associate circuit courts	\$8.00; and
8	Small claims courts	No additional fee

9 2. Court filing surcharges pursuant to this section shall be collected in the same manner  
10 as other fees, fines, or costs in the case. The amounts so collected shall be paid by the clerk to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 the office of the state courts administrator and credited to the special fund designated as the basic  
12 civil legal services fund. However, the additional fees prescribed by this section shall not be  
13 collected when a criminal proceeding or defendant has been dismissed by the court or when costs  
14 are waived or are to be paid by the state, county, municipality, or other political subdivision of  
15 this state.

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

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

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

488.607. [In addition to all other court costs for county or municipal ordinance  
2 violations,] **The governing body of** any county or any city having a shelter for victims of  
3 domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any  
4 municipality within a county which has such shelter, or any county or municipality whose  
5 residents are victims of domestic violence and are admitted to such shelters **in another county,**  
6 may, by order or ordinance provide for an additional surcharge in the amount of two dollars per  
7 case for each criminal case [and each county or municipal ordinance violation case filed before  
8 a municipal division judge or associate circuit judge], **including violations of any county or**  
9 **municipal ordinance.** No surcharge shall be collected in any proceeding when the proceeding  
10 or defendant has been dismissed by the court or when costs are to be paid by the state, county  
11 or municipality. Such surcharges collected by municipal clerks in municipalities electing or  
12 required to have violations of municipal ordinances tried before a municipal judge pursuant to

13 section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo,  
14 shall be disbursed to the city at least monthly, and such surcharges collected by circuit court  
15 clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees  
16 shall be payable to the city or county wherein such fees originated. The county or city shall use  
17 such moneys only for the purpose of providing operating expenses for shelters for battered  
18 persons as defined in sections 455.200 to 455.230, RSMo.

488.5030. To collect on past-due court-ordered penalties, fines, restitution, sanctions,  
2 court costs, including restitution and juvenile monetary assessments, or judgments to the state  
3 of Missouri or one of its political subdivisions, any division of the circuit court may contract with  
4 public agencies or private entities **operated by one or more public entities**. Any fees or costs  
5 associated with such collection efforts shall be added to the amount due, but such fees and costs  
6 shall not exceed twenty percent of the amount collected.