

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 114
95TH GENERAL ASSEMBLY

0582L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 192.925, 210.1012, 229.110, 302.302, 476.385, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, and 566.226, RSMo, and to enact in lieu thereof ten new sections relating to certain criminal offenses and criminal procedures, with penalty provisions.

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

Section A. Sections 192.925, 210.1012, 229.110, 302.302, 476.385, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, and 566.226, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 192.925, 210.1012, 302.302, 476.385, 479.260, 488.5025, 488.5032, 545.050, 550.040, and 566.226, to read as follows:

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and financial exploitation of the elderly**, the department of health and senior services shall implement an education and awareness program. Such program shall have the goal of reducing the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may focus on:

(1) The education and awareness of mandatory reporters on their responsibility to report elder abuse and neglect **and financial exploitation of the elderly**;

(2) Targeted education and awareness for the public on the problem, identification and reporting of elder abuse and neglect **and financial exploitation of the elderly**;

(3) Publicizing the elder abuse and neglect hot line telephone number;

(4) Education and awareness for law enforcement agencies and prosecutors on the problem and identification of elder abuse and neglect **and financial exploitation of the elderly**, and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

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.

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

210.1012. 1. There is hereby created a statewide program called the "Amber Alert
2 System" referred to in this section as the "system" to aid in the identification and location of an
3 abducted child.

4 2. For the purposes of this section, "abducted child" means a child whose whereabouts
5 are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the crime
7 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

8 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined by
9 section 565.115, RSMo, as determined by [local] law enforcement; or

10 (3) Less than eighteen years of age and at least fourteen years of age, and who[, if under
11 the age of fourteen,] would otherwise be reasonably believed to be a victim of child kidnapping
12 as defined by section 565.115, RSMo, as determined by [local] law enforcement, **if such person**
13 **was under the age of fourteen.**

14 3. The department of public safety shall develop regions to provide the system. The
15 department of public safety shall coordinate local law enforcement agencies and public
16 commercial television and radio broadcasters to provide an effective system. In the event that
17 a local law enforcement agency opts not to set up a system and an abduction occurs within the
18 jurisdiction, it shall notify the department of public safety who will notify local media in the
19 region.

20 4. The Amber alert system shall include all state agencies capable of providing urgent
21 and timely information to the public together with broadcasters and other private entities that
22 volunteer to participate in the dissemination of urgent public information. At a minimum, the
23 Amber alert system shall include the department of public safety, highway patrol, department of
24 transportation, department of health and senior services, and Missouri lottery.

25 5. The department of public safety shall have the authority to notify other regions upon
26 verification that the criteria established by the oversight committee has been met.

27 6. Participation in an Amber alert system is entirely at the option of local law
28 enforcement agencies and federally licensed radio and television broadcasters.

29 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
30 section is guilty of a class A misdemeanor.

- 302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:
- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident is involved 1 point)
 - (2) Speeding
 - In violation of a state law 3 points
 - In violation of a county or municipal ordinance 2 points
 - (3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points
In violation of any county or municipal ordinance 6 points
 - (4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points
In violation of a county or municipal ordinance 2 points
 - (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
 - (a) For the first conviction 2 points
 - (b) For the second conviction 4 points
 - (c) For the third conviction 6 points
 - (6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points
 - (7) Obtaining a license by misrepresentation 12 points
 - (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points
 - (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points
 - (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law 8 points

37 In violation of a county or municipal ordinance or federal law or regulation 8 points
38 (11) Any felony involving the use of a motor vehicle 12 points
39 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points
40 (13) For a conviction for failure to maintain financial responsibility pursuant
41 to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points
42 (14) Endangerment of a highway worker in violation of
43 section 304.585, RSMo 4 points
44 (15) Aggravated endangerment of a highway worker in violation of
45 section 304.585, RSMo 12 points
46 (16) For a conviction of violating a municipal ordinance that prohibits
47 tow truck operators from stopping at or proceeding to the scene of an accident
48 unless they have been requested to stop or proceed to such scene by a party
49 involved in such accident or by an officer of a public safety agency 4 points
50 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
51 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
52 302.020, when the director issues such operator a license or permit pursuant to the provisions
53 of sections 302.010 to 302.340.
54 3. An additional two points shall be assessed when personal injury or property damage
55 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
56 found to be warranted and certified by the reporting court.
57 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
58 section constitutes both a violation of a state law and a violation of a county or municipal
59 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
60 offense arising out of the same occurrence could be construed to be a violation of subdivisions
61 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
62 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
63 offenses arising out of the same occurrence.
64 5. The director of revenue shall put into effect a system for staying the assessment of
65 points against an operator. The system shall provide that the satisfactory completion of a
66 driver-improvement program or, in the case of violations committed while operating a
67 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
68 commission, by an operator, when so ordered and verified by any court having jurisdiction over
69 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
70 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
71 committed by an individual who has been issued a commercial driver's license or is required to
72 obtain a commercial driver's license in this state or any other state, shall be accepted by the

73 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
74 of subsection 1 of this section or pursuant to subsection 3 of this section. **A court using a**
75 **centralized violation bureau established under section 476.385, RSMo, may provide as an**
76 **option to the individual the ability to attend a driver-improvement program or motorcycle-**
77 **rider training course as prescribed by order of the court.** For the purposes of this subsection,
78 the driver-improvement program shall meet or exceed the standards of the National Safety
79 Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred
80 during the operation of a motorcycle, the program shall meet the standards established by the
81 state highways and transportation commission pursuant to sections 302.133 to 302.137. The
82 completion of a driver-improvement program or a motorcycle-rider training course shall not be
83 accepted in lieu of points more than one time in any thirty-six-month period and shall be
84 completed within sixty days of the date of conviction in order to be accepted in lieu of the
85 assessment of points. Every court having jurisdiction pursuant to the provisions of this
86 subsection shall, within fifteen days after completion of the driver-improvement program or
87 motorcycle-rider training course by an operator, forward a record of the completion to the
88 director, all other provisions of the law to the contrary notwithstanding. The director shall
89 establish procedures for record keeping and the administration of this subsection.

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

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

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

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

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

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

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

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. **If a person has**
35 **been ordered by the court to attend a driver-improvement program or a motorcycle-rider**
36 **training course, the person also consents to attendance at any such program, and to**
37 **verification of such attendance as directed by the bureau, when he or she pays the fines and**
38 **court costs.** Notwithstanding any provision of law to the contrary, the prosecutor shall not be
39 required to sign any information, ticket or indictment if disposition is made pursuant to this
40 subsection. In the event that any payment is made pursuant to this section by credit card or
41 similar method, the centralized bureau may charge an additional fee in order to reflect any
42 transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the
43 credit card company.

44 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
45 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
46 having original jurisdiction over the offense. Any trial shall be conducted at the location
47 designated by the court. The clerk of the court in which the case is to be heard shall notify in
48 writing such person of the date certain for the disposition of such charges. The prosecutor shall
49 not be required to sign any information, ticket or indictment until the commencement of any
50 proceeding by the prosecutor with respect to the notice of violation.

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

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

57 (2) That the person must respond to the notice of violation by paying the prescribed fine
58 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
59 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
60 court may modify the suggested forms for uniform complaint and summons for use in courts
61 adopting the procedures provided by this section, in order to accommodate such required written
62 notifications.

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

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

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

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation

3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed**
6 **before the defendant pleads guilty or is found guilty, the municipal judge may assess**
7 **municipal court costs as determined by section 488.012, RSMo, against the defendant if the**
8 **defendant consents to paying the costs except in those cases where the defendant is found**
9 **by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

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

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

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

39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

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

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

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

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

488.5025. 1. In addition to any other assessment authorized by law, a court may assess
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,
3 sanction, or court costs on a time-payment basis, including restitution and juvenile monetary
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other
7 enforcement provisions authorized by law.

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

2 **488.5032. In the event a criminal case is dismissed in a circuit court in this state**
3 **before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as**
4 **determined by section 488.012, RSMo, against any defendant if the defendant consents to**
5 **paying the costs except in those cases where the defendant is found by the judge to be**
6 **indigent and unable to pay the costs.**

2 545.050. [1.] No indictment for any trespass against the person or property of another,
3 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the
4 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is
5 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the
6 information and testimony of one or more grand jurors, or of some public officer in the necessary
7 discharge of his **or her** duty.

8 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered
9 against such prosecutor for the costs.]

2 550.040. In all capital cases, and those in which imprisonment in the penitentiary is the
3 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;
4 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall
5 be paid by the county in which the indictment was found or information filed[, except when the
6 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

2 566.226. 1. After August 28, [2007] **2009**, any information contained in any court
3 record, whether written or published on the Internet, that could be used to identify or locate any
4 victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted
5 from such record prior to disclosure to the public. Identifying information shall include the
6 name, home or temporary address, telephone number, Social Security number or physical
7 characteristics. **For purposes of this section, the name of any defendant in a criminal case**
8 **shall not be considered identifying information and shall not be redacted from court**
9 **records.**

10 2. If the court determines that a person or entity who is requesting identifying
11 information of a victim has a legitimate interest in obtaining such information, the court may
12 allow access to the information, but only if the court determines that disclosure to the person or
entity would not compromise the welfare or safety of such victim.

2 [229.110. 1. Every person owning a hedge fence situated along or near
3 the right-of-way of any public road shall between the first days of May and
4 August of each year cut the same down to a height of not more than five feet, and
5 any owner of such fence failing to comply with this section shall forfeit and pay
6 to the capital school fund of the county wherein such fence is situated not less
7 than fifty nor more than five hundred dollars, to be recovered in a civil action in
the name of the county upon the relation of the prosecuting attorney, and any

8 judgment of forfeiture obtained shall be a lien upon the real estate of the owner
9 of such fence upon which same is situated, and a special execution shall issue
10 against said real estate and no exemption shall be allowed.

11 2. Any prosecuting attorney who shall fail or refuse to institute suit as
12 herein provided within thirty days after being notified by any road overseer,
13 county or state highway engineer, that any hedge fence has not been cut down to
14 the height herein required within the time required, shall be removed from office
15 by the governor and some other person appointed to fill the vacancy thus created.
16 The cutting of any such fence after the time herein required shall not be a defense
17 to the action herein provided for.]
18

2 [550.050. 1. Every person who shall institute any prosecution to recover
3 a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is
4 acquitted although he may not be entitled to any part of the same.

5 2. When such prosecutions are commenced by a public officer whose
6 duty it is to institute the same, and the defendant is acquitted, the county shall pay
7 the costs; if he is convicted, and unable to pay the costs, the county shall pay all
8 the costs, except such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be discharged by the
3 officer taking his examination, the costs shall be paid by the prosecutor or person
4 on whose oath the prosecution was instituted, and the officer taking such
5 examination shall enter judgment against such person for the same, and issue
6 execution therefor immediately; and in no such case shall the state or county pay
7 the costs.]

2 [550.080. If, upon the trial of any indictment or information, the
3 defendant shall be acquitted or discharged, and the prosecutor or prosecuting
4 witness shall be liable to pay the costs according to law, judgment shall be
5 rendered against such prosecutor for the costs in the case, and in no such case
6 shall the same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any associate
3 circuit judge, at the instance of the injured party, for the disturbance of the peace
4 of a person, or for libel or slander, or for any trespass against the person or
5 property of another, not amounting to a felony, except for petit larceny, the name
6 of such injured party shall be entered by the associate circuit judge on his record
7 as a prosecutor; and if the defendant shall be discharged or acquitted, such
8 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in
9 every other case of acquittal, if the associate circuit judge or jury trying the case
10 shall state in the finding that the prosecution was malicious or without probable
11 cause, the associate circuit judge shall enter judgment for costs against the
prosecution or party at whose instance the information was filed, and shall issue

12 execution therefor; but in no case shall the prosecuting attorney be liable for
13 costs. In other cases of discharge or acquittal the costs shall be paid by the
14 county, except when the prosecution is commenced by complaint and the
15 prosecuting attorney declines to file information thereon, in which case the
16 proceedings shall be dismissed at the cost of the party filing the complaint.]

✓