

HCS SCS SB 42 -- SHERIFFS

SPONSOR: Munzlinger (Riddle)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 14 to 1.

This substitute changes the laws regarding sheriffs. In its main provisions, the substitute:

(1) Specifies that a person will not be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590, RSMo. The substitute requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriffs of St. Louis County or St. Louis City (Section 57.010);

(2) Allows the sheriff of any county, regardless of classification, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court (Section 57.104);

(3) Requires moneys collected by a sheriff for serving any summons, writ, or other order of the court in connection with any civil case to be used to, first, supplement the sheriff's salary and benefits to an amount up to the annual salary of an associate circuit judge, and then any remaining money is to be used for the procurement of services and equipment to support the operation of the sheriff's office (Section 57.280);

(4) Requires the circuit clerk in each county to report to the Office of State Courts Administrator the name of a person certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. If the person satisfies his or her debt or begins making regular payments to the sheriff, the sheriff must notify the clerk that the person is no longer considered delinquent (Section 221.070);

(5) Allows the sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the prisoners. The revenues received from the canteen or commissary are to be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation, with any excess moneys remaining to be deposited into the Inmate Prisoner Detainee Security Fund (Section 221.102);

(6) Requires the Office of State Courts Administrator, when it receives the name of a debtor, to seek a setoff of state tax refunds and state lottery winnings until the full debt has been

paid (Sections 313.321 and 488.5028); and

(7) Prohibits an individual with a delinquent debt to the county jail from being issued a concealed carry endorsement. Those who currently have a concealed carry endorsement must surrender the driver's or nondriver's license with the endorsement to the court that reported the debt. The Department of Conservation must suspend and refuse to issue a hunting or fishing license to anyone reported delinquent to the department by the Office of State Courts Administrator. In addition, the substitute requires the Office of State Courts Administrator to notify debtors that the person will be ineligible for a concealed carry endorsement and a hunting or fishing license prior to forwarding the person's name to the Department of Revenue or Department of Conservation. The notice must contain information regarding the person's right to a review hearing of the debt in the court the debt arose. Eligibility for a new or renewed concealed carry endorsement or hunting or fishing license is reestablished once the person has repaid the debt or honored a repayment plan with the sheriff. The court holding a surrendered concealed carry endorsement must return the endorsement upon notification by the sheriff to the circuit clerk that the debt is no longer considered delinquent (Sections 488.5029, and 571.104).

PROPOSERS: Supporters say that the bill will allow for a set off against tax refunds and lottery winnings until any delinquent costs incurred by a jail for the boarding of a person are paid. It would also allow for centralized collection instead of having each individual county perform this function. The bill will also make these people ineligible for a concealed carry endorsement or a hunting or fishing license until the delinquent debt is paid in full. The amount of delinquent debt is a growing issue for county jails.

Testifying for the bill were Senator Munzlinger; and James Kent Oberkrom, Missouri Sheriffs Association.

OPPOSERS: There was no opposition voiced to the committee.