

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1238
97TH GENERAL ASSEMBLY

5154S.02T

2014

AN ACT

To repeal sections 488.012, 488.426, and 488.607, RSMo, and to enact in lieu thereof five new sections relating to court costs.

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

Section A. Sections 488.012, 488.426, and 488.607, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 488.012, 488.426, 488.607, 488.2206, and 488.2235, to read as follows:

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

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

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

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

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

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

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.

- 16 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510;
- 17 (5) Seven dollars for the statewide court automation fund, pursuant to section [476.053]
- 18 **488.027;**
- 19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
- 20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
- 21 novo of a municipal ordinance violation, pursuant to section 479.260;
- 22 (7) Five dollars for small claims court cases where less than one hundred dollars is in
- 23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345;
- 24 (8) Fifty dollars for appeals, pursuant to section 483.500;
- 25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
- 26 pursuant to section 483.530;
- 27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
- 28 pursuant to section 483.530;
- 29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
- 30 483.530;
- 31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
- 32 section 483.530;
- 33 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
- 34 additional summons issued in such cases, pursuant to section 483.530;
- 35 (14) Forty-five dollars for applications for trial de novo from small claims court and
- 36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530;
- 37 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
- 38 483.535;
- 39 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
- 40 when the value of the estate is:
 - 41 (a) Less than \$10,000 \$ 75.00
 - 42 (b) From \$10,000 to \$25,000 115.00
 - 43 (c) From \$25,000 to \$50,000 155.00
 - 44 (d) From \$50,000 to \$100,000 245.00
 - 45 (e) From \$100,000 to \$500,000 305.00
 - 46 (f) More than \$500,000 365.00;
- 47 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
- 48 pursuant to section 483.580;
- 49 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
- 50 483.580:
 - 51 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
 - 52 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

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

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

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

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

61 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
62 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
63 483.580;

64 (20) In probate proceedings, pursuant to section 483.580:

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

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

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

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

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

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

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

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

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

74 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
75 [485.100] **488.2250**;

76 (22) Fifteen dollars for court reporters, pursuant to section [485.120] **488.2253**;

77 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
78 to another county, pursuant to section 491.280.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County or
8 the circuit court in any circuit that reimburses the state for the salaries of family court
9 commissioners under and pursuant to section 487.020, may change the fee to any amount not to
10 exceed fifteen dollars. The circuit court in Jackson County or the circuit court in any circuit that
11 reimburses the state for the salaries of family court commissioners under and pursuant to section

12 487.020 may change the fee to any amount not to exceed twenty dollars. A change in the fee
13 shall become effective and remain in effect until further changed.

14 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
15 are paid by the county or state or any city.

16 4. In addition to any fee authorized by subsection 1 of this section, any county of the first
17 classification with more than [ninety-three thousand eight hundred but less than ninety-three
18 thousand nine hundred inhabitants] **one hundred one thousand but fewer than one hundred
19 fifteen thousand inhabitants** may impose an additional fee of ten dollars excluding cases
20 concerning adoption and those in small claims court. The provisions of this subsection shall
21 expire on December 31, [2014] **2019**.

488.607. The governing body of any county or any city having a shelter for victims of
2 domestic violence established pursuant to sections 455.200 to 455.230, or any municipality
3 within a county which has such shelter, or any county or municipality whose residents are
4 victims of domestic violence and are admitted to such shelters in another county, may, by order
5 or ordinance provide for an additional surcharge in [the] **an** amount of [two] **up to four** dollars
6 per case for each criminal case, including violations of any county or municipal ordinance. No
7 surcharge shall be collected in any proceeding when the proceeding or defendant has been
8 dismissed by the court or when costs are to be paid by the state, county or municipality. Such
9 surcharges collected by municipal clerks in municipalities electing or required to have violations
10 of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ
11 judicial personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and
12 such surcharges collected by circuit court clerks shall be collected and disbursed as provided by
13 sections 488.010 to 488.020. Such fees shall be payable to the city or county wherein such fees
14 originated. The county or city shall use such moneys only for the purpose of providing operating
15 expenses for shelters for battered persons as defined in sections 455.200 to 455.230.

**488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge
2 of up to ten dollars shall be assessed as costs in each court proceeding filed in any court
3 within the thirty-first judicial circuit in all criminal cases including violations of any county
4 or municipal ordinance or any violation of a criminal or traffic law of the state, including
5 an infraction, except that no such surcharge shall be collected in any proceeding in any
6 court when the proceeding or defendant has been dismissed by the court or when costs are
7 to be paid by the state, county, or municipality. For violations of the general criminal laws
8 of the state or county ordinances, no such surcharge shall be collected unless it is
9 authorized, by order, ordinance, or resolution by the county government where the
10 violation occurred. For violations of municipal ordinances, no such surcharge shall be
11 collected unless it is authorized, by order, ordinance, or resolution by the municipal
12 government where the violation occurred. Such surcharges shall be collected and**

13 **disbursed by the clerk of each respective court responsible for collecting court costs in the**
14 **manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of**
15 **the political subdivision authorizing such surcharge.**

16 **2. Each county or municipality shall use all funds received pursuant to this section**
17 **only to pay for the costs associated with the land assemblage and purchase, construction,**
18 **maintenance, and operation of any county or municipal judicial facility including, but not**
19 **limited to, debt service, utilities, maintenance, and building security. The county or**
20 **municipality shall maintain records identifying such operating costs, and any moneys not**
21 **needed for the operating costs of the county or municipal judicial facility shall be**
22 **transmitted quarterly to the general revenue fund of the county or municipality**
23 **respectively.**

488.2235. 1. In addition to all other court costs for municipal ordinance violations,
2 **any home rule city with more than four hundred thousand inhabitants and located in more**
3 **than one county may provide for additional court costs in an amount up to five dollars per**
4 **case for each municipal ordinance violation case filed before a municipal division judge or**
5 **associate circuit judge.**

6 **2. The judge may waive the assessment of the cost in those cases where the**
7 **defendant is found by the judge to be indigent and unable to pay the costs.**

8 **3. Such cost shall be collected by the clerk and disbursed to the city at least**
9 **monthly. The city shall use such additional costs only for the restoration, maintenance and**
10 **upkeep of the municipal courthouse. The costs collected may be pledged to directly or**
11 **indirectly secure bonds for the cost of restoration, maintenance and upkeep of the**
12 **courthouse.**

13 **4. The provisions of this section shall expire August 28, 2021.**

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