

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 192

100TH GENERAL ASSEMBLY

0761H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 543.270 and 558.006, RSMo, and to enact in lieu thereof two new sections relating to the payment of fines, with penalty provisions.

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

Section A. Sections 543.270 and 558.006, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 543.270 and 558.006, to read as follows:

543.270. ~~[1. When any person shall be unable to pay any fine and costs assessed against him, the associate circuit judge shall have power, at the request of the defendant, to commute such fine and costs to imprisonment in the county jail, which shall be credited at the rate of ten dollars of such fine and costs for each day's imprisonment.~~

2. ~~2.]~~ When a fine is assessed by ~~[aa]~~ **a municipal judge**, associate circuit judge, **or circuit judge**, it shall be within his **or her** discretion to provide for the payment of the fine on an installment basis under such terms and conditions as he **or she** may deem appropriate. **In no event shall the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of any person be the subject of any condition of probation, nor shall the failure to pay such costs be the sole basis for the issuance of a warrant.**

558.006. ~~[1.]~~ When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, ~~[the court upon motion of the prosecuting attorney or upon its own motion may require him or her to show cause why he or she should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his or her appearance.~~

~~2. Following an order to show cause under subsection 1 of this section, unless the offender shows that his or her default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his or her part to make a good faith effort~~

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.

8 ~~to obtain the necessary funds for payment, the court may order the defendant imprisoned for a~~
9 ~~term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony~~
10 ~~or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court~~
11 ~~may provide in its order that payment or satisfaction of the fine at any time will entitle the~~
12 ~~offender to his or her release from such imprisonment or, after entering the order, may at any~~
13 ~~time reduce the sentence for good cause shown, including payment or satisfaction of the fine.~~

14 ~~——— 3. If it appears that the default in the payment of a fine is excusable under the standards~~
15 ~~set forth in subsection 2 of this section, the court may enter an order allowing the offender~~
16 ~~additional time for payment, reducing the amount of the fine or of each installment, or revoking~~
17 ~~the fine or the unpaid portion in whole or in part.~~

18 ~~——— 4. When a fine is imposed on a corporation it is the duty of the person or persons~~
19 ~~authorized to make disbursement of the assets of the corporation and their superiors to pay the~~
20 ~~fine from the assets of the corporation. The failure of such persons to do so shall render them~~
21 ~~subject to imprisonment under subsections 1 and 2 of this section.~~

22 ~~——— 5. Upon default in the payment of a] the fine or [any] installment [thereof, the fine may]~~
23 **shall** be collected by any means authorized for the ~~[enforcement]~~ **collection** of money judgments,
24 **or may be waived at the discretion of the sentencing judge.**

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