

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 192
100TH GENERAL ASSEMBLY

0761S.08T

2019

AN ACT

To repeal sections 57.280, 302.574, 304.590, 386.510, 386.515, 476.001, 479.020, 479.353, 479.500, 543.270, 558.006, 558.019, and 600.042, RSMo, and to enact in lieu thereof fourteen new sections relating to court procedures, with penalty provisions.

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

Section A. Sections 57.280, 302.574, 304.590, 386.510, 386.515, 476.001, 479.020, 2 479.353, 479.500, 543.270, 558.006, 558.019, and 600.042, RSMo, are repealed and fourteen 3 new sections enacted in lieu thereof, to be known as sections 57.280, 302.574, 304.590, 386.510, 4 386.515, 476.001, 479.020, 479.353, 479.354, 479.500, 543.270, 558.006, 558.019, and 600.042, 5 to read as follows:

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order 2 of court, in connection with any civil case, and making on the same either a return indicating 3 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be 4 served, except that a sheriff shall receive a charge for service of any subpoena, and making a 5 return on the same, the sum of ten dollars; however, no such charge shall be collected in any 6 proceeding when court costs are to be paid by the state, county or municipality. In addition to 7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any 8 summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue 9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,

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.

10 provided that such mileage shall not be charged for more than one subpoena or summons or
11 other writ served in the same cause on the same trip. All of such charges shall be received by
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until the
19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section. The
35 funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year,
36 shall be held in a fund established by the county treasurer, which may be expended at the
37 discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess
38 of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue
39 fund of the county. Moneys in the fund shall be used only for the procurement of services and
40 equipment to support the operation of the sheriff's office. Moneys in the fund established
41 pursuant to this subsection shall not lapse to the county general revenue fund at the end of any
42 county budget or fiscal year.

43 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
44 sheriff, **or any other person specially appointed to serve in a county that receives funds**
45 **under section 57.278**, shall receive ten dollars for service of any summons, writ, subpoena, or
46 other order of the court included under subsection 1 of this section, in addition to the charge for

47 such service that each sheriff receives under subsection 1 of this section. The money received
48 by the sheriff, **or any other person specially appointed to serve in a county that receives**
49 **funds under section 57.278**, under this subsection shall be paid into the county treasury and the
50 county treasurer shall make such money payable to the state treasurer. The state treasurer shall
51 deposit such moneys in the deputy sheriff salary supplementation fund created under section
52 57.278.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the
3 director of revenue, serve the notice of license revocation personally upon the person and shall
4 take possession of any license to operate a vehicle issued by this state which is held by that
5 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which
6 is valid for fifteen days and shall also give the person notice of his or her right to file a petition
7 for review to contest the license revocation.

8 2. Such officer shall make a certified report under penalties of perjury for making a false
9 statement to a public official. The report shall be forwarded to the director of revenue and shall
10 include the following:

11 (1) That the officer has:

12 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
13 while in an intoxicated condition; or

14 (b) Reasonable grounds to believe that the person stopped, being under the age of
15 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
16 of one percent or more by weight; or

17 (c) Reasonable grounds to believe that the person stopped, being under the age of
18 twenty-one years, was committing a violation of the traffic laws of the state, or political
19 subdivision of the state, and such officer has reasonable grounds to believe, after making such
20 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

21 (2) That the person refused to submit to a chemical test;

22 (3) Whether the officer secured the license to operate a motor vehicle of the person;

23 (4) Whether the officer issued a fifteen-day temporary permit;

24 (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice
25 of the right to file a petition for review. The notices and permit may be combined in one
26 document; and

27 (6) Any license, which the officer has taken into possession, to operate a motor vehicle.

28 3. Upon receipt of the officer's report, the director shall revoke the license of the person
29 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
30 operating permit or privilege shall be revoked for one year; or if the person is a resident without

31 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
32 person the issuance of a license or permit for a period of one year.

33 4. If a person's license has been revoked because of the person's refusal to submit to a
34 chemical test, such person may petition for a hearing before a circuit division or associate
35 division of the court in the county in which the arrest or stop occurred. **Pursuant to local court
36 rule promulgated pursuant to section 15 of article V of the Missouri Constitution, the case
37 may also be assigned to a traffic judge pursuant to section 479.500.** The person may request
38 such court to issue an order staying the revocation until such time as the petition for review can
39 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form
40 prescribed by the director of revenue and shall send a copy of such order to the director. Such
41 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director
42 shall maintain possession of the person's license to operate a motor vehicle until termination of
43 any revocation under this section. Upon the person's request, the clerk of the court shall notify
44 the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf
45 of the director of revenue. At the hearing, the court shall determine only:

46 (1) Whether the person was arrested or stopped;

47 (2) Whether the officer had:

48 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
49 an intoxicated or drugged condition; or

50 (b) Reasonable grounds to believe that the person stopped, being under the age of
51 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
52 of one percent or more by weight; or

53 (c) Reasonable grounds to believe that the person stopped, being under the age of
54 twenty-one years, was committing a violation of the traffic laws of the state, or political
55 subdivision of the state, and such officer had reasonable grounds to believe, after making such
56 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

57 (3) Whether the person refused to submit to the test.

58 5. If the court determines any issue not to be in the affirmative, the court shall order the
59 director to reinstate the license or permit to drive.

60 6. Requests for review as provided in this section shall go to the head of the docket of
61 the court wherein filed.

62 7. No person who has had a license to operate a motor vehicle suspended or revoked
63 under the provisions of this section shall have that license reinstated until such person has
64 participated in and successfully completed a substance abuse traffic offender program defined
65 in section 302.010, or a program determined to be comparable by the department of mental
66 health. Assignment recommendations, based upon the needs assessment as described in
67 subdivision (24) of section 302.010, shall be delivered in writing to the person with written

68 notice that the person is entitled to have such assignment recommendations reviewed by the court
69 if the person objects to the recommendations. The person may file a motion in the associate
70 division of the circuit court of the county in which such assignment was given, on a printed form
71 provided by the state courts administrator, to have the court hear and determine such motion
72 under the provisions of chapter 517. The motion shall name the person or entity making the
73 needs assessment as the respondent and a copy of the motion shall be served upon the respondent
74 in any manner allowed by law. Upon hearing the motion, the court may modify or waive any
75 assignment recommendation that the court determines to be unwarranted based upon a review
76 of the needs assessment, the person's driving record, the circumstances surrounding the offense,
77 and the likelihood of the person committing a similar offense in the future, except that the court
78 may modify but ~~may~~ **shall** not waive the assignment to an education or rehabilitation program
79 of a person determined to be a prior or persistent offender as defined in section 577.001, or of
80 a person determined to have operated a motor vehicle with a blood alcohol content of
81 fifteen-hundredths of one percent or more by weight. Compliance with the court determination
82 of the motion shall satisfy the provisions of this section for the purpose of reinstating such
83 person's license to operate a motor vehicle. The respondent's personal appearance at any hearing
84 conducted under this subsection shall not be necessary unless directed by the court.

85 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be
86 determined by the division of ~~[alcohol and drug abuse]~~ **behavioral health** of the department of
87 mental health, shall be paid by the person enrolled in the program. Any person who is enrolled
88 in the program shall pay, in addition to any fee charged for the program, a supplemental fee to
89 be determined by the department of mental health for the purposes of funding the substance
90 abuse traffic offender program defined in section 302.010. The administrator of the program
91 shall remit to the division of ~~[alcohol and drug abuse]~~ **behavioral health** of the department of
92 mental health on or before the fifteenth day of each month the supplemental fee for all persons
93 enrolled in the program, less two percent for administrative costs. Interest shall be charged on
94 any unpaid balance of the supplemental fees due to the division of ~~[alcohol and drug abuse]~~
95 **behavioral health** under this section, and shall accrue at a rate not to exceed the annual rates
96 established under the provisions of section 32.065, plus three percentage points. The
97 supplemental fees and any interest received by the department of mental health under this section
98 shall be deposited in the mental health earnings fund, which is created in section 630.053.

99 9. Any administrator who fails to remit to the division of ~~[alcohol and drug abuse]~~
100 **behavioral health** of the department of mental health the supplemental fees and interest for all
101 persons enrolled in the program under this section shall be subject to a penalty equal to the
102 amount of interest accrued on the supplemental fees due to the division under this section. If the
103 supplemental fees, interest, and penalties are not remitted to the division of ~~[alcohol and drug~~
104 ~~abuse]~~ **behavioral health** of the department of mental health within six months of the due date,

105 the attorney general of the state of Missouri shall initiate appropriate action for the collection of
106 said fees and accrued interest. The court shall assess attorneys' fees and court costs against any
107 delinquent program.

108 10. Any person who has had a license to operate a motor vehicle revoked under this
109 section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,
110 shall be required to file proof with the director of revenue that any motor vehicle operated by the
111 person is equipped with a functioning, certified ignition interlock device as a required condition
112 of license reinstatement. Such ignition interlock device shall further be required to be
113 maintained on all motor vehicles operated by the person for a period of not less than six months
114 immediately following the date of reinstatement. If the monthly monitoring reports show that
115 the ignition interlock device has registered any confirmed blood alcohol concentration readings
116 above the alcohol setpoint established by the department of transportation or that the person has
117 tampered with or circumvented the ignition interlock device within the last three months of the
118 six-month period of required installation of the ignition interlock device, then the period for
119 which the person ~~must~~ **shall** maintain the ignition interlock device following the date of
120 reinstatement shall be extended until the person has completed three consecutive months with
121 no violations as described in this section. If the person fails to maintain such proof with the
122 director as required by this section, the license shall be rerevoked until proof as required by this
123 section is filed with the director, and the person shall be guilty of a class A misdemeanor.

124 11. The revocation period of any person whose license and driving privilege has been
125 revoked under this section and who has filed proof of financial responsibility with the
126 department of revenue in accordance with chapter 303 and is otherwise eligible shall be
127 terminated by a notice from the director of revenue after one year from the effective date of the
128 revocation. Unless proof of financial responsibility is filed with the department of revenue, the
129 revocation shall remain in effect for a period of two years from its effective date. If the person
130 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's
131 license and driving privilege shall be rerevoked.

132 12. A person commits the offense of failure to maintain proof with the Missouri
133 department of revenue if, when required to do so, he or she fails to file proof with the director
134 of revenue that any vehicle operated by the person is equipped with a functioning, certified
135 ignition interlock device or fails to file proof of financial responsibility with the department of
136 revenue in accordance with chapter 303. The offense of failure to maintain proof with the
137 Missouri department of revenue is a class A misdemeanor.

304.590. 1. As used in this section, the term "travel safe zone" means any area upon or
2 around any highway, as defined in section 302.010, which is visibly marked by the department
3 of transportation; and when a highway safety analysis demonstrates fatal or disabling motor

4 vehicle crashes exceed a predicted safety performance level for comparable roadways as
5 determined by the department of transportation.

6 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined
7 in section 302.010 or any offense listed in section 302.302, the court [~~shall~~] **may** double the
8 amount of fine authorized to be imposed by law, if the moving violation or offense occurred
9 within a travel safe zone.

10 3. Upon a conviction or plea of guilty by any person for a speeding violation under
11 section 304.009 or 304.010, the court [~~shall~~] **may** double the amount of fine authorized by law,
12 if the violation occurred within a travel safe zone.

13 4. The penalty authorized under subsections [~~1~~] **2** and 3 of this section shall only be
14 assessed by the court if the department of transportation has erected signs upon or around a travel
15 safe zone which are clearly visible from the highway and which state substantially the following
16 message: "Travel Safe Zone — Fines Doubled".

17 5. This section shall not be construed to enhance the assessment of court costs or the
18 assessment of points under section 302.302.

386.510. With respect to commission orders or decisions issued on and after July 1,
2 2011, within thirty days after the application for a rehearing is denied, or, if the application is
3 granted, then within thirty days after the rendition of the decision on rehearing, the applicant may
4 file a notice of appeal with [~~the commission, which shall also be served on the parties to the~~
5 ~~commission proceeding in accordance with section 386.515, and which the commission shall~~
6 ~~forward to~~] the appellate court with the territorial jurisdiction over the county where the hearing
7 was held or in which the commission has its principal office for the purpose of having the
8 reasonableness or lawfulness of the original order or decision or the order or decision on
9 rehearing inquired into or determined, **which shall also be served on the commission and the**
10 **parties to the commission proceeding in accordance with section 386.515.** Except with
11 respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional
12 evidence may be introduced in the appellate court but the cause shall be heard by the court
13 without the intervention of a jury on the evidence and exhibits introduced before the commission
14 and certified to by it. The notice of appeal shall include the appellant's application for rehearing,
15 a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of
16 the issues being appealed, a full and complete list of the parties to the commission proceeding,
17 **all necessary filing fees**, and any other information specified by the rules of the court. Unless
18 otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing
19 of the notice of appeal, certify its record in the case to the court of appeals. The commission and
20 each party to the action or proceeding before the commission shall have the right to intervene and
21 participate fully in the review proceedings. Upon the submission of the case to the court of
22 appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole

23 or in part, the order or decision of the commission under review. In case the order or decision
24 is reversed by reason of the commission failing to receive testimony properly proffered, the court
25 shall remand the cause to the commission, with instructions to receive the testimony so proffered
26 and rejected, and enter a new order or render a new decision based upon the evidence theretofore
27 taken, and such as it is directed to receive. The court may, in its discretion, remand any cause
28 which is reversed by it to the commission for further action. No court in this state, except the
29 supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse,
30 correct or annul any order or decision of the commission or to suspend or delay the executing
31 or operation thereof, or to enjoin, restrain or interfere with the commission in the performance
32 of its official duties. The appellate courts of this state shall always be deemed open for the trial
33 of suits brought to review the orders and decisions of the commission as provided in the public
34 service commission law and the same shall where necessary be tried and determined as suits in
35 equity.

386.515. With respect to commission orders or decisions issued on and after July 1,
2 2011, an application for rehearing is required to be served on all parties and is a prerequisite to
3 the filing of an appeal under section 386.510. The application for rehearing puts the parties to
4 the proceeding before the commission on notice that an appeal can follow and any such review
5 under the appeal may proceed provided that a copy of the notice of appeal is served on said
6 parties. With respect to commission orders or decisions issued on and after July 1, 2011, the
7 review procedure provided for in section 386.510 continues to be exclusive except that a copy
8 of the notice of appeal required by section 386.510 shall be served on **the commission and** each
9 party to the proceeding before the commission by the appellant according to the rules established
10 by the court in which the appeal is filed.

476.001. An efficient, well operating and productive judiciary is essential to the
2 preservation of the people's liberty and prosperity. In order to achieve this goal, the general
3 assembly and the supreme court must constantly be aware of the operations, needs, strengths and
4 weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to
5 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court
6 with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial
7 resources and an efficient and organized method of identifying the problems and needs as they
8 occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412,
9 476.681, 477.405, 478.073, **and** 478.320~~], and subdivision (12) of subsection 1 of section~~
10 ~~600.042]~~ to provide a system for the efficient allocation of available personnel, facilities and
11 resources to achieve a uniform and effective operation of the judicial system.

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge

4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-
9 time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30 8. Within six months after selection for the position, each municipal judge who is not
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify
33 to the supreme court the names of those judges who satisfactorily complete the prescribed
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
35 months after the municipal judge's selection as municipal judge, the municipal judge's office
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
38 judge.

39 9. No municipal judge shall serve as a municipal judge in more than five municipalities
40 at one time. **A court that serves more than one municipality shall be treated as a single**
41 **municipality for the purposes of this subsection.**

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions
2 shall apply to minor traffic violations and municipal ordinance violations:

3 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling
4 in excess of:

5 (a) Two hundred twenty-five dollars for minor traffic violations; and

6 (b) For municipal ordinance violations committed within a twelve-month period
7 beginning with the first violation: two hundred dollars for the first municipal ordinance
8 violation, two hundred seventy-five dollars for the second municipal ordinance violation, three
9 hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars
10 for the fourth and any subsequent municipal ordinance violations;

11 (2) The court shall not sentence a person to confinement, except the court may sentence
12 a person to confinement for any violation involving alcohol or controlled substances, violations
13 endangering the health or welfare of others, or eluding or giving false information to a law
14 enforcement officer;

15 (3) A person shall not be placed in confinement for failure to pay a fine unless such
16 nonpayment violates terms of probation or unless the due process procedures mandated by
17 Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

18 (4) Court costs that apply shall be assessed against the defendant unless the court finds
19 that the defendant is indigent based on standards set forth in determining such by the presiding
20 judge of the circuit. Such standards shall reflect model rules and requirements to be developed
21 by the supreme court; and

22 (5) No court costs shall be assessed if the defendant is found to be indigent under
23 subdivision (4) of this section or if the case is dismissed.

24 **2. If an individual has been held in custody on a notice to show cause or an arrest**
25 **warrant for an underlying minor traffic violation, the court, on its own motion or on the**
26 **motion of any interested party, may review the original fine and sentence and waive or**
27 **reduce such fine or sentence if the court finds it reasonable given the circumstances of the**
28 **case.**

479.354. **For any notice to appear, citation, or summons on a minor traffic**
2 **violation, the date and time the defendant is to appear in court shall be given when such**
3 **notice to appear, citation, or summons is first provided to the defendant. If said notice is**
4 **not properly given, the court shall reissue the notice, citation, or summons to the defendant**
5 **and shall specifically set forth the date and time for the defendant to appear.**

479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010 which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior to January 1, 2002, pursuant to sections 302.535 and 302.750.

4. After January 1, 2002, traffic judges, in addition to the authority provided in subsection 3 of this section, may be authorized by local court rule adopted pursuant to Article V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections 302.535, **302.574**, and 302.750, subject to procedures that preserve a meaningful hearing before a judge of the circuit court, as follows:

(1) Conduct the initial call docket and accept uncontested dispositions of petitions to review;

(2) The petitioner shall have the right to the de novo hearing before a judge of the circuit court, except that, at the option of the petitioner, traffic judges may hear in the first instance such petitions for review.

5. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court

37 in each sector shall hear those cases arising within the territorial limits of the sector unless a case
38 arising within another sector is transferred as provided by operating procedures.

39 6. Traffic judges shall be licensed to practice law in this state and shall serve at the
40 pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents
41 of St. Louis County, and shall receive from the state as annual compensation an amount equal
42 to one-third of the annual compensation of an associate circuit judge. Each judge shall devote
43 approximately one-third of his working time to the performance of his duties as a traffic judge.
44 Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with
45 their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic
46 judges shall not be considered state employees and shall not be members of the state employees'
47 or judicial retirement system or be eligible to receive any other employment benefit accorded
48 state employees or judges.

49 7. A majority of the judges, en banc, shall establish operating procedures for the traffic
50 court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday
51 or other sessions as efficient operation and convenience to the public may require. Proceedings
52 in the traffic court, except when a judge is acting as a commissioner pursuant to this section,
53 shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic
54 judge without jury, and the judge shall assume an affirmative duty to determine the merits of the
55 evidence presented and the defenses of the defendant and may question parties and witnesses.
56 In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by
57 jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed
58 for the efficient operation of the court.

59 8. In establishing operating procedure, provisions shall be made for appropriate
60 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
61 or written communication without personal appearance, or to plead guilty and deliver by mail
62 or electronic transfer or other approved method the specified amount of the fine and costs as
63 otherwise provided by law, within a specified period of time.

64 9. Operating procedures shall be provided for electronic recording of proceedings, except
65 that if adequate recording equipment is not provided at county expense, then, in that event, a
66 person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial
67 de novo. The procedures for perfecting the right of a trial de novo shall be the same as that
68 provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section
69 512.180 shall not apply to such cases.

70 10. The circuit court shall only have the authority to appoint two commissioners with
71 the jurisdiction provided in subsection 3 of this section.

72 11. All costs to establish and operate a county municipal court under section 66.010 and
73 this section shall be borne by such county.

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.~~
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 5 ~~———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.**
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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.~~
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 5 ~~———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 to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the offender to his or her release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.
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 14 ~~———3.~~ If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection 2 of this section, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.
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 18 ~~———4.~~ When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2 of this section.
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 22 ~~———5.~~ Upon default in the payment of a) **the** fine or [any] installment [thereof, the fine may] **shall** be collected by any means authorized for the [enforcement] **collection** of money judgments, **other than a lien against real estate, or may be waived at the discretion of the sentencing judge.**
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558.019. 1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those

3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall **only** be applicable to ~~all~~
6 ~~classes of felonies except those set forth in chapter 579, or in chapter 195 prior to January 1,~~
7 ~~2017, and those otherwise excluded in subsection 1 of this section]~~ **the offenses contained in**
8 **sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073,**
9 **565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030,**
10 **566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,**
11 **566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151,**
12 **566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060,**
13 **568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A,**
14 **B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as**
15 **a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200,**
16 **573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200**
17 **when punished as a class A felony, 575.210, 575.230 when punished as a class B felony,**
18 **575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078,**
19 **577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony.** For the
20 purposes of this section, "prison commitment" means and is the receipt by the department of
21 corrections of an offender after sentencing. For purposes of this section, prior prison
22 commitments to the department of corrections shall not include an offender's first incarceration
23 prior to release on probation under section 217.362 or 559.115. Other provisions of the law to
24 the contrary notwithstanding, any offender who has been found guilty of a felony other than a
25 dangerous felony as defined in section 556.061 and is committed to the department of corrections
26 shall be required to serve the following minimum prison terms:

27 (1) If the offender has one previous prison commitment to the department of corrections
28 for a felony offense, the minimum prison term which the offender must serve shall be forty
29 percent of his or her sentence or until the offender attains seventy years of age, and has served
30 at least thirty percent of the sentence imposed, whichever occurs first;

31 (2) If the offender has two previous prison commitments to the department of corrections
32 for felonies unrelated to the present offense, the minimum prison term which the offender must
33 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of
34 age, and has served at least forty percent of the sentence imposed, whichever occurs first;

35 (3) If the offender has three or more previous prison commitments to the department of
36 corrections for felonies unrelated to the present offense, the minimum prison term which the
37 offender must serve shall be eighty percent of his or her sentence or until the offender attains
38 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
39 occurs first.

40 3. Other provisions of the law to the contrary notwithstanding, any offender who has
41 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the
42 department of corrections shall be required to serve a minimum prison term of eighty-five
43 percent of the sentence imposed by the court or until the offender attains seventy years of age,
44 and has served at least forty percent of the sentence imposed, whichever occurs first.

45 4. For the purpose of determining the minimum prison term to be served, the following
46 calculations shall apply:

47 (1) A sentence of life shall be calculated to be thirty years;

48 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
49 offenses committed at or near the same time which is over seventy-five years shall be calculated
50 to be seventy-five years.

51 5. For purposes of this section, the term "minimum prison term" shall mean time
52 required to be served by the offender before he or she is eligible for parole, conditional release
53 or other early release by the department of corrections.

54 6. **An offender who was convicted of, or pled guilty to, a felony offense other than**
55 **those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer**
56 **be subject to the minimum prison term provisions under subsection 2 of this section, and**
57 **shall be eligible for parole, conditional release, or other early release by the department of**
58 **corrections according to the rules and regulations of the department.**

59 7. (1) A sentencing advisory commission is hereby created to consist of eleven
60 members. One member shall be appointed by the speaker of the house. One member shall be
61 appointed by the president pro tem of the senate. One member shall be the director of the
62 department of corrections. Six members shall be appointed by and serve at the pleasure of the
63 governor from among the following: the public defender commission; private citizens; a private
64 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
65 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
66 All members shall be appointed to a four-year term. All members of the sentencing commission
67 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory
68 commission at the pleasure of the governor.

69 (2) The commission shall study sentencing practices in the circuit courts throughout the
70 state for the purpose of determining whether and to what extent disparities exist among the
71 various circuit courts with respect to the length of sentences imposed and the use of probation
72 for offenders convicted of the same or similar offenses and with similar criminal histories. The
73 commission shall also study and examine whether and to what extent sentencing disparity among
74 economic and social classes exists in relation to the sentence of death and if so, the reasons
75 therefor, if sentences are comparable to other states, if the length of the sentence is appropriate,
76 and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw

77 conclusions, and perform other duties relevant to the research and investigation of disparities in
78 death penalty sentencing among economic and social classes.

79 (3) The commission shall study alternative sentences, prison work programs, work
80 release, home-based incarceration, probation and parole options, and any other programs and
81 report the feasibility of these options in Missouri.

82 (4) The governor shall select a chairperson who shall call meetings of the commission
83 as required or permitted pursuant to the purpose of the sentencing commission.

84 (5) The members of the commission shall not receive compensation for their duties on
85 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
86 performance of these duties and for which they are not reimbursed by reason of their paid
87 positions.

88 (6) The circuit and associate circuit courts of this state, the office of the state courts
89 administrator, the department of public safety, and the department of corrections shall cooperate
90 with the commission by providing information or access to information needed by the
91 commission. The office of the state courts administrator will provide needed staffing resources.

92 ~~[7-]~~ 8. Courts shall retain discretion to lower or exceed the sentence recommended by
93 the commission as otherwise allowable by law, and to order restorative justice methods, when
94 applicable.

95 ~~[8-]~~ 9. If the imposition or execution of a sentence is suspended, the court may order any
96 or all of the following restorative justice methods, or any other method that the court finds just
97 or appropriate:

98 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
99 of the offender's actions;

100 (2) Offender treatment programs;

101 (3) Mandatory community service;

102 (4) Work release programs in local facilities; and

103 (5) Community-based residential and nonresidential programs.

104 ~~[9- The provisions of this section shall apply only to offenses occurring on or after~~
105 ~~August 28, 2003.]~~

106 10. Pursuant to subdivision (1) of subsection ~~[8]~~ 9 of this section, the court may order
107 the assessment and payment of a designated amount of restitution to a county law enforcement
108 restitution fund established by the county commission pursuant to section 50.565. Such
109 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
110 moneys deposited into the county law enforcement restitution fund pursuant to this section shall
111 only be expended pursuant to the provisions of section 50.565.

112 11. A judge may order payment to a restitution fund only if such fund had been created
113 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall

114 not have any direct supervisory authority or administrative control over any fund to which the
115 judge is ordering a person to make payment.

116 12. A person who fails to make a payment to a county law enforcement restitution fund
117 may not have his or her probation revoked solely for failing to make such payment unless the
118 judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence
119 that the person either willfully refused to make the payment or that the person willfully,
120 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources
121 to pay.

122 13. Nothing in this section shall be construed to allow the sentencing advisory
123 commission to issue recommended sentences in specific cases pending in the courts of this state.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public defender
3 office personnel appointed pursuant to this chapter; and he or she and the deputy director or
4 directors may participate in the trial and appeal of criminal actions at the request of the defender;

5 (2) Submit to the commission, between August fifteenth and September fifteenth of each
6 year, a report which shall include all pertinent data on the operation of the state public defender
7 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
8 fifteenth of each year, the commission shall submit such report along with such
9 recommendations, comments, conclusions, or other pertinent information it chooses to make to
10 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
11 shall be maintained in the office of the state public defender, and shall be otherwise distributed
12 as the commission shall direct;

13 (3) With the approval of the commission, establish such divisions, facilities and offices
14 and select such professional, technical and other personnel, including investigators, as he deems
15 reasonably necessary for the efficient operation and discharge of the duties of the state public
16 defender system under this chapter;

17 (4) Administer and coordinate the operations of defender services and be responsible for
18 the overall supervision of all personnel, offices, divisions and facilities of the state public
19 defender system, except that the director shall have no authority to direct or control the legal
20 defense provided by a defender to any person served by the state public defender system;

21 (5) Develop programs and administer activities to achieve the purposes of this chapter;

22 (6) Keep and maintain proper financial records with respect to the provision of all public
23 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
24 operation of the state public defender system;

25 (7) Supervise the training of all public defenders and other personnel and establish such
26 training courses as shall be appropriate;

27 (8) With approval of the commission, promulgate necessary rules, regulations and
28 instructions consistent with this chapter defining the organization of the state public defender
29 system and the responsibilities of division directors, district defenders, deputy district defenders,
30 assistant public defenders and other personnel;

31 (9) With the approval of the commission, apply for and accept on behalf of the public
32 defender system any funds which may be offered or which may become available from
33 government grants, private gifts, donations or bequests or from any other source. Such moneys
34 shall be deposited in the state general revenue fund;

35 (10) Contract for legal services with private attorneys on a case-by-case basis and with
36 assigned counsel as the commission deems necessary considering the needs of the area, for fees
37 approved and established by the commission;

38 (11) With the approval and on behalf of the commission, contract with private attorneys
39 for the collection and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system];

41 ~~———— (12) Prepare a plan to establish district offices, the boundaries of which shall coincide~~
42 ~~with existing judicial circuits. Any district office may contain more than one judicial circuit~~
43 ~~within its boundaries, but in no event shall any district office boundary include any geographic~~
44 ~~region of a judicial circuit without including the entire judicial circuit. The director shall submit~~
45 ~~the plan to the chair of the house judiciary committee and the chair of the senate judiciary~~
46 ~~committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by~~
47 ~~December 31, 2021].~~

48 2. No rule or portion of a rule promulgated under the authority of this chapter shall
49 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

50 3. The director and defenders shall, within guidelines as established by the commission
51 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
52 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or
53 laws of the United States or of the state of Missouri and provide such persons with legal services
54 when, in the discretion of the director or the defenders, such provision of legal services is
55 appropriate.

56 4. The director and defenders shall provide legal services to an eligible person:

57 (1) Who is detained or charged with a felony, including appeals from a conviction in
58 such a case;

59 (2) Who is detained or charged with a misdemeanor which will probably result in
60 confinement in the county jail upon conviction, including appeals from a conviction in such a
61 case, unless the prosecuting or circuit attorney has waived a jail sentence;

62 (3) Who is charged with a violation of probation when it has been determined by a judge
63 that the appointment of counsel is necessary to protect the person's due process rights under
64 section 559.036;

65 (4) Who has been taken into custody pursuant to section 632.489, including appeals from
66 a determination that the person is a sexually violent predator and petitions for release,
67 notwithstanding any provisions of law to the contrary;

68 (5) For whom the federal constitution or the state constitution requires the appointment
69 of counsel; and

70 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and
71 in which the federal or the state constitution or any law of this state requires the appointment of
72 counsel; however, the director and the defenders shall not be required to provide legal services
73 to persons charged with violations of county or municipal ordinances, or misdemeanor offenses
74 except as provided in this section.

75 5. The director may:

76 (1) Delegate the legal representation of an eligible person to any member of the state bar
77 of Missouri;

78 (2) Designate persons as representatives of the director for the purpose of making
79 indigency determinations and assigning counsel.

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