

SS SCS HCS HB 192 -- COURT PROCEDURES

Currently, sheriffs receive \$10 for service of any summons, writ, subpoena, or other court order, and that money is paid into the county treasury to be paid to the State Treasurer. This bill specifies that other persons serving orders of court shall also pay \$10 of their fee into the deputy sheriff salary supplementation fund.

The bill specifies that, where authorized by local court rule, traffic court judges in St. Louis County may review decisions of the Director of Revenue or Department of Revenue to revoke a person's driver's license for refusal to submit to a chemical test.

The bill also specifies that a court may, rather than shall, double the fine for certain traffic offenses when committed in a travel safe zone designated by the Missouri Department of Transportation.

Currently, an applicant may file the notice of appeal of a decision issued by the Public Service Commission with the commission, which must forward the appeal to the appellate court. This bill modifies the filing requirements so that the applicant files the appeal directly with the appellate court and pays all necessary filing fees and notice of the appeal is served on the commission.

The bill also removes a provision requiring the Director of the Public Defender's Office to prepare a plan to establish district offices that would coincide with existing judicial circuits.

This bill specifies that a court that serves more than one municipality shall be treated as a single municipality for the purposes of municipal judges not being allowed to serve in more than five municipalities at one time.

Currently, associate circuit judges have the ability to commute fines and costs against defendants who are unable to pay when the defendant requests to be imprisoned in the county jail. The fine shall be credited at the rate of \$10 for each day's imprisonment. This bill repeals that language.

The bill repeals language that allows the court, upon a motion by the prosecuting attorney or by its own motion, to require a defendant to show cause as to why he or she should not be imprisoned for failure to pay and allows the court to imprison such defendant, if no good cause is shown, for various lengths depending on whether the offense was a misdemeanor or a felony.

Instead, when a defendant fails to pay a fine or an installment, the fine or installment may be collected by any means authorized

for the collection of money judgments, or it may be waived at the discretion of the judge. In no event can the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of a person be the subject of any condition of probation, and the failure to pay costs cannot be the only basis for the issuance of a warrant.

The bill also specifies circumstances under which a court may depart from mandatory minimum prison sentences or terms.