

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 237 AND HOUSE BILL NO. 238 AND HOUSE BILL NO. 482

95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 15, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0854S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 477.600, 479.260, 488.429, and 517.041, RSMo, and to enact in lieu thereof four new sections relating to courts.

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

Section A. Sections 477.600, 479.260, 488.429, and 517.041, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 477.600, 479.260, 488.429, and 517.041, to read as follows:

477.600. 1. There is hereby created within the judicial department a
2 "Judicial Finance Commission". The commission shall be composed of seven
3 members appointed by the supreme court. At least one member of the
4 commission shall be a member of a county governing body from a county of the
5 third class, one member of the commission shall be a member of the county
6 governing body of a county of the first class, and one member of the commission
7 shall be a member of a county governing body from any class of county. The
8 supreme court shall designate one member to serve as chairman and one member
9 as vice chairman. The vice chairman shall preside in the absence of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 chairman.

11 2. The members of the commission shall serve for terms of three years and
12 until their successors are appointed and qualified; except that of the initial
13 members appointed, three shall serve for terms of one year, two shall serve for
14 terms of two years and two shall serve for terms of three years, as designated by
15 the court.

16 3. If a vacancy occurs the court shall appoint a replacement. The
17 replacement shall serve the unexpired portion of the term and may be appointed
18 to successive terms.

19 4. The commission shall promulgate rules of procedure which shall become
20 effective upon approval by the supreme court. The supreme court may adopt such
21 other rules as it deems appropriate to govern the procedures of the commission.

22 5. The commission shall:

23 (1) Examine the budget request of the circuit court upon the petition by
24 the county governing body as provided in section 50.640, RSMo, or any budget or
25 item in the budget estimated by the court including, but not limited to,
26 compensation of deputy sheriffs and assistants, as set forth in section 57.250,
27 RSMo;

28 (2) Issue a written opinion addressed to the presiding circuit judge and
29 the presiding officer of the county. The opinion shall state the conclusions of the
30 commission as to the reasonableness of the circuit court budget request. The
31 opinion of the commission shall state clearly the reasons for its decision. Any
32 member of the commission who disagrees with the commission's findings may file
33 a minority report;

34 (3) Maintain accurate records of the cost and expenses of the judicial and
35 law enforcement agencies for each county;

36 (4) Submit an annual report to the governor, general assembly, and
37 supreme court on the finances of the judicial department. The report shall
38 examine both the revenues of the department and the expenses of the
39 department. The report shall include the information from all divisions of the
40 circuit court of each county including the circuit, associate circuit, probate,
41 juvenile and municipal divisions. The information shall be reported separately
42 except where the divisions are combined or consolidated. **In lieu of separate**
43 **publication, the supreme court may direct the annual report described**
44 **in this subdivision to be consolidated with any annual report prepared**
45 **by the supreme court or the office of state courts administrator,**

46 **provided that such report is distributed to the parties described in this**
47 **subdivision.**

48 6. In discharging its responsibilities, the commission may:

49 (1) Conduct public hearings, take testimony, summon witnesses, and
50 subpoena records and documents;

51 (2) Conduct surveys and collect data from county governments and the
52 circuit courts on the operations of the judicial and law enforcement agencies in
53 each county. The commission and its staff shall be granted access at any
54 reasonable time to all books, records, and data the commission deems necessary
55 for the administration of its duties;

56 (3) Within the limits of appropriations made for the purpose, appoint
57 special committees, accept and expend grant funds, and employ consultants and
58 others to assist the commission in its work.

59 7. Upon receipt of the written opinion of the commission or upon refusal
60 of the commission to accept a petition for review, the circuit court or the county
61 governing body may seek a review by the supreme court by filing a petition for
62 review in the supreme court within thirty days of the receipt of the commission's
63 opinion. If a petition for review is not filed in the supreme court, then the
64 recommendation of the commission shall take effect notwithstanding the
65 provisions of section 50.600, RSMo. If the commission refused to review a
66 petition and no petition is filed in the supreme court, the circuit court budget is
67 approved as submitted to the county governing body. The supreme court shall
68 consider the petition for review de novo.

69 8. The commission shall meet as necessary at the call of the chairman or
70 on written request of four members. Four members constitute a quorum for the
71 transaction of business. Upon request of the chairman, the supreme court may
72 appoint a temporary replacement for any commissioner who is unable to hear a
73 case or who is disqualified from any case. No member of the commission shall
74 participate in any proceeding involving the county or circuit where the member
75 resides.

76 9. Members of the commission shall receive no compensation for their
77 services but shall be reimbursed out of funds appropriated for this purpose for
78 their actual and necessary expenses incurred in the performance of their duties.

79 10. The clerk of the supreme court shall provide suitable staff for the
80 commission out of any funds appropriated for this purpose. The commission may
81 also employ court reporters as necessary to take testimony at hearings held

82 pursuant to section 50.640, RSMo. The reporters shall be compensated at a rate
83 established by the commission out of any funds appropriated for this purpose.

479.260. 1. Municipalities by ordinance may provide for fees in an
2 amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each
3 municipal ordinance violation case filed before a municipal judge, and in the
4 event a defendant pleads guilty or is found guilty, the judge may assess costs
5 against the defendant except in those cases where the defendant is found by the
6 judge to be indigent and unable to pay the costs. The fees authorized in this
7 subsection are in addition to service charges, witness fees and jail costs that may
8 otherwise be authorized to be assessed, but are in lieu of other court costs. The
9 fees provided by this subsection shall be collected by the municipal division clerk
10 in municipalities electing or required to have violations of municipal ordinances
11 tried before a municipal judge pursuant to section 479.020, or to employ judicial
12 personnel pursuant to section 479.060, and disbursed as provided in subsection
13 1 of section 479.080. Any other court costs required in connection with such cases
14 shall be collected and disbursed as provided in sections 488.010 to 488.020,
15 RSMo; provided that, each municipal court may establish a judicial education
16 fund [in an account] **and an appointed counsel fund, each in separate**
17 **accounts** under the control of the municipal court to retain one dollar of the fees
18 collected on each case [and to use the fund]. **The fees collected shall be**
19 **allocated between the two funds as determined by the court. The**
20 **judicial education fund shall be used** only to pay for:

21 (1) The continuing education and certification required of the municipal
22 judges by law or supreme court rule; and

23 (2) Judicial education and training for the court administrator and clerks
24 of the municipal court.

25 **The appointed counsel fund shall be used only to pay the reasonable**
26 **fees approved by the court for the appointment of an attorney to**
27 **represent any defendant found by the judge to be indigent and unable**
28 **to pay for legal representation, and where the supreme court rules or**
29 **the law prescribes such appointment.** Provided further, that no municipal
30 court shall retain more than one thousand five hundred dollars in the **judicial**
31 **education** fund for each judge, administrator or clerk of the municipal court **and**
32 **no more than five thousand dollars in the appointed counsel fund.** Any
33 excess funds shall be transmitted quarterly to the general revenue fund of the
34 county or municipal treasury.

35 2. In municipal ordinance violation cases which are filed in the associate
36 circuit division of the circuit court, fees shall be assessed in each case in an
37 amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a
38 defendant pleads guilty or is found guilty, the judge shall assess costs against the
39 defendant except in those cases where the defendant is found by the judge to be
40 indigent and unable to pay the costs. In the event a defendant is acquitted or the
41 case is dismissed, the judge shall not assess costs against the municipality. The
42 costs authorized in this subsection are in addition to service charges, witness fees
43 and jail costs that may otherwise be authorized to be assessed, but are in lieu of
44 other court costs. The costs provided by this subsection shall be collected by the
45 municipal division clerk in municipalities electing or required to have violations
46 of municipal ordinances tried before a municipal judge pursuant to section
47 479.020, or to employ judicial personnel pursuant to section 479.060, and
48 disbursed as provided in subsection 2 of section 479.080. Any other court costs
49 required in connection with such cases shall be collected and disbursed as
50 provided in sections 488.010 to 488.020, RSMo.

51 3. A municipality, when filing cases before an associate circuit judge, shall
52 not be required to pay fees.

53 4. No fees for a judge, city attorney or prosecutor shall be assessed as
54 costs in a municipal ordinance violation case.

55 5. In municipal ordinance violation cases, when there is an application for
56 a trial de novo, there shall be an additional fee in an amount to be set pursuant
57 to sections 488.010 to 488.020, RSMo, which shall be assessed in the same
58 manner as provided in subsection 2 of this section.

59 6. Municipalities by ordinance may provide for a schedule of costs to be
60 paid in connection with pleas of guilty which are processed in a traffic violations
61 bureau. If a municipality files its municipal ordinance violation cases before a
62 municipal judge, such costs shall not exceed the court costs authorized by
63 subsection 1 of this section. If a municipality files its municipal ordinance
64 violations cases in the associate circuit division of the circuit court, such costs
65 shall not exceed the court costs authorized by subsection 2 of this section.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable
2 to the judges of the circuit court, en banc, of the county from which such
3 surcharges were collected, or to such person as is designated by local circuit court
4 rule as treasurer of said fund, and said fund [shall] **may** be applied and
5 expended under the direction and order of the judges of the circuit court, en banc,

6 of any such county for the maintenance and upkeep of the law library maintained
7 by the bar association in any such county, or such other law library in any such
8 county as may be designated by the judges of the circuit court, en banc, of any
9 such county; provided, that the judges of the circuit court, en banc, of any such
10 county, and the officers of all courts of record of any such county, shall be entitled
11 at all reasonable times to use the library to the support of which said funds are
12 applied.

13 2. In addition, such fund may also be applied and expended for that
14 county's or circuit's family services and justice fund.

15 3. In any county, other than a county on the nonpartisan court plan, such
16 fund may also be applied and expended for courtroom renovation and technology
17 enhancement, or for debt service on county bonds for such renovation or
18 enhancement projects.

517.041. 1. The process in all cases shall be a summons with a copy of the
2 petition of the plaintiff attached, directed to the sheriff or other proper person for
3 service on the defendant. The summons shall command the defendant to appear
4 before the court on a date and time, not less than ten days nor more than [thirty]
5 **sixty** days from the date of service of the summons.

6 2. If process is not timely served, the plaintiff may request further process
7 be issued to any defendant not timely served with the case being continued, or
8 the plaintiff may dismiss as to any such defendant and proceed with the case.

9 3. A petition filed which states a claim or claims that in the aggregate
10 exceeds the jurisdictional limit of the division shall be certified to presiding judge
11 for assignment.

Copy ✓