

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 67

98TH GENERAL ASSEMBLY

2015

0535S.06T

AN ACT

To repeal sections 67.320, 476.083, 534.350, 534.360, 535.030, 535.110, and 535.160, RSMo, and to enact in lieu thereof ten new sections relating to courts.

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

Section A. Sections 67.320, 476.083, 534.350, 534.360, 535.030, 535.110, 2 and 535.160, RSMo, are repealed and ten new sections enacted in lieu thereof, to 3 be known as sections 67.320, 476.083, 479.155, 488.2244, 488.2257, 488.2258, 4 534.350, 535.030, 535.110, and 535.160, to read as follows:

67.320. 1. Any county with a charter form of government and with more 2 than two hundred thousand but fewer than three hundred fifty thousand 3 inhabitants, **any county of the first classification with more than eighty-** 4 **three thousand but fewer than ninety-two thousand inhabitants and** 5 **with a home rule city with more than seventy-six thousand but fewer** 6 **than ninety-one thousand inhabitants as the county seat**, or any county 7 of the first classification with more than one hundred one thousand but fewer 8 than one hundred fifteen thousand inhabitants may prosecute and punish 9 violations of its county orders in the circuit court of such counties in the manner 10 and to the extent herein provided or in a county municipal court if creation of a 11 county municipal court is approved by order of the county commission. The 12 county may adopt orders with penal provisions consistent with state law, but only 13 in the areas of traffic violations, solid waste management, county building codes,

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

14 on-site sewer treatment, zoning orders, and animal control. Any county
15 municipal court established pursuant to the provisions of this section shall have
16 jurisdiction over violations of that county's orders and the ordinances of
17 municipalities with which the county has a contract to prosecute and punish
18 violations of municipal ordinances of the municipality.

19 2. Except as provided in subsection 5 of this section in any county which
20 has elected to establish a county municipal court pursuant to this section, the
21 judges for such court shall be appointed by the county commission of such county,
22 subject to confirmation by the legislative body of such county in the same manner
23 as confirmation for other county appointed officers. The number of judges
24 appointed, and qualifications for their appointment, shall be established by order
25 of the commission.

26 3. The practice and procedure of each prosecution shall be conducted in
27 compliance with all of the terms and provisions of sections 66.010 to 66.140,
28 except as provided for in this section.

29 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be
30 synonymous with the term order for purposes of this section.

31 5. In any county of the first classification with more than one hundred one
32 thousand but fewer than one hundred fifteen thousand inhabitants, the first
33 judges shall be appointed by the county commission for a term of four years, and
34 thereafter the judges shall be elected for a term of four years. The number of
35 judges appointed, and qualifications for their appointment, shall be established
36 by order of the commission.

476.083. 1. In addition to any appointments made pursuant to section
2 485.010, the presiding judge of each circuit containing one or more facilities
3 operated by the department of corrections with an average total inmate
4 population in all such facilities in the circuit over the previous two years of more
5 than two thousand five hundred inmates **or containing, as of January 1,**
6 **2015, a diagnostic and reception center operated by the department of**
7 **corrections and a mental health facility operated by the department of**
8 **mental health which houses persons found not guilty of a crime by**
9 **reason of mental disease or defect under chapter 552 and provides sex**
10 **offender rehabilitation and treatment services (SORTS) may appoint a**
11 circuit court marshal to aid the presiding judge in the administration of the
12 judicial business of the circuit by overseeing the physical security of the
13 courthouse, serving court-generated papers and orders, and assisting the judges
14 of the circuit as the presiding judge determines appropriate. Such circuit court

15 marshal appointed pursuant to the provisions of this section shall serve at the
16 pleasure of the presiding judge. The circuit court marshal authorized by this
17 section is in addition to staff support from the circuit clerks, deputy circuit clerks,
18 division clerks, municipal clerks, and any other staff personnel which may
19 otherwise be provided by law.

20 2. The salary of a circuit court marshal shall be established by the
21 presiding judge of the circuit within funds made available for that purpose, but
22 such salary shall not exceed ninety percent of the salary of the highest paid
23 sheriff serving a county wholly or partially within that circuit. Personnel
24 authorized by this section shall be paid from state funds or federal grant moneys
25 which are available for that purpose and not from county funds.

26 3. Any person appointed as a circuit court marshal pursuant to this
27 section shall have at least five years' prior experience as a law enforcement
28 officer. In addition, any such person shall within one year after appointment, or
29 as soon as practicable, attend a court security school or training program
30 operated by the United States Marshal Service. In addition to all other powers
31 and duties prescribed in this section, a circuit court marshal may:

- 32 (1) Serve process;
- 33 (2) Wear a concealable firearm; and
- 34 (3) Make an arrest based upon local court rules and state law, and as
35 directed by the presiding judge of the circuit.

479.155. 1. By September 1, 2015, the presiding judge of the
2 **circuit court in which the municipal division is located shall report to**
3 **the clerk of the supreme court the name and address of the municipal**
4 **division and any other information regarding the municipal division**
5 **requested by the clerk of the supreme court on a standardized form**
6 **developed by the clerk of the supreme court.**

7 **2. If a municipality elects to abolish or establish a municipal**
8 **division, the presiding judge of the circuit court in which the municipal**
9 **division is located shall notify the clerk of the supreme court, and the**
10 **presiding judge of any new municipal division shall complete the**
11 **report required under subsection 1 of this section within ninety days**
12 **of the establishment of the division.**

488.2244. 1. There is hereby created in the state treasury the
2 **"Jasper County Judicial Fund", which shall consist of moneys collected**
3 **under subsection 2 of this section. The state treasurer shall be**
4 **custodian of the fund. In accordance with sections 30.170 and 30.180,**

5 the state treasurer may approve disbursements. The fund shall be a
6 dedicated fund and, upon appropriation, moneys in the fund shall be
7 used solely as described under subsection 4 of this section. The state
8 treasurer shall invest moneys in the fund in the same manner as other
9 funds are invested. Any interest and moneys earned on such
10 investments shall be credited to the fund.

11 2. In addition to any other court costs prescribed by law, court
12 proceedings in the twenty-ninth judicial circuit shall have additional
13 court costs assessed in the following manner, except that no such
14 additional costs shall be collected for any violation of a traffic law or
15 in any proceeding when the proceeding or defendant has been
16 dismissed by the court or when costs are to be paid by the state,
17 county, or municipality:

18 (1) All civil cases filed shall be assessed a surcharge of ten
19 dollars;

20 (2) All misdemeanor criminal cases filed shall be assessed a
21 surcharge of twenty-five dollars; and

22 (3) All felony criminal cases filed shall be assessed a surcharge
23 of fifty dollars.

24 3. The judge may waive the assessment of the surcharge in those
25 cases where the defendant is found by the judge to be indigent and
26 unable to pay the costs.

27 4. Any county of the first classification with more than one
28 hundred fifteen thousand but fewer than one hundred fifty thousand
29 inhabitants shall use moneys in the Jasper County judicial fund to pay
30 for the costs associated with the purchase, lease, and operation of a
31 county juvenile center and the county judicial facility including, but
32 not limited to, utilities, maintenance, and building security. The county
33 shall maintain records identifying such operating costs, and any
34 moneys not needed for the operation and maintenance of a county
35 juvenile center or county judicial facility shall revert to the credit of
36 the general revenue fund.

37 5. The provisions of this section shall expire on August 28, 2025.

488.2257. 1. In addition to all other court costs prescribed by
2 law, a surcharge of up to ten dollars shall be assessed as costs in each
3 court proceeding filed in any court in the state located in any county
4 of the third classification without a township form of government and

5 with more than thirty-seven thousand but fewer than forty-one
6 thousand inhabitants and with a city of the third classification with
7 more than eleven thousand five hundred but fewer than thirteen
8 thousand inhabitants as the county seat in all civil and criminal cases
9 including violations of any county or municipal ordinance or
10 infractions, except that no such surcharge shall be collected for any
11 violation of a traffic law or ordinance or in any proceeding when the
12 proceeding or defendant has been dismissed by the court or when costs
13 are to be paid by the state, county, or municipality. For violations of
14 the criminal laws of the state or county ordinances, including
15 infractions, no such surcharge shall be collected unless it is authorized
16 by order, ordinance, or resolution by the county government where the
17 violation occurred. For violations of municipal ordinances, no such
18 surcharge shall be collected unless it is authorized by order, ordinance,
19 or resolution by the municipal government where the violation
20 occurred. Such surcharges shall be collected and disbursed by the
21 clerk of each respective court responsible for collecting court costs in
22 the manner provided by sections 488.010 to 488.020, and shall be
23 payable to the treasurer of the political subdivision authorizing such
24 surcharge.

25 2. Each county or municipality shall use all funds received
26 pursuant to this section only to pay for the costs associated with the
27 land assemblage and purchase, planning, and construction of a new
28 facility, maintenance, and operation of any county or municipal judicial
29 facility or justice center including, but not limited to, architectural,
30 engineering, and other plans and studies, utilities, maintenance, and
31 building security of any judicial facility. The county or municipality
32 shall establish and maintain a separate account known as the "justice
33 center fund" limited to the uses authorized by this section. The county
34 or municipality shall maintain records identifying all surcharges and
35 expenditures made from the justice center fund.

36 3. The provisions of this section shall expire on August 28, 2025.

488.2258. 1. In addition to all other court costs prescribed by
2 law, a surcharge of one dollar shall be assessed as costs in each court
3 proceeding filed in any court in the state located in a regional juvenile
4 detention district established under section 211.500 and made up of the
5 following counties:

6 **(1) Any county with more than sixty-five thousand but fewer than**
7 **eighty-five thousand inhabitants and with a county seat with more than**
8 **seventeen thousand but fewer than nineteen thousand inhabitants;**

9 **(2) Any county of the third classification without a township form**
10 **of government and with more than twelve thousand but fewer than**
11 **fourteen thousand inhabitants and with a city of the fourth**
12 **classification with more than two thousand seven hundred but fewer**
13 **than three thousand inhabitants as the county seat;**

14 **(3) Any county of the third classification without a township form**
15 **of government and with more than nine thousand but fewer than ten**
16 **thousand inhabitants and with a city of the fourth classification with**
17 **more than seven hundred but fewer than eight hundred inhabitants as**
18 **the county seat;**

19 **(4) Any county of the first classification with more than fifty**
20 **thousand but fewer than seventy thousand inhabitants; and**

21 **(5) Any county of the third classification without a township form**
22 **of government and with more than eighteen thousand but fewer than**
23 **twenty thousand inhabitants and with a city of the fourth classification**
24 **with more than five hundred fifty but fewer than six hundred fifty**
25 **inhabitants as the county seat;**

26 **in all civil and criminal cases including violations of any county or**
27 **municipal ordinance or infractions, except that no such surcharge shall**
28 **be collected for any violation of a traffic law or ordinance or in any**
29 **proceeding when the proceeding or defendant has been dismissed by**
30 **the court or when costs are to be paid by the state, county, or**
31 **municipality. For violations of the criminal laws of the state or county**
32 **ordinances, including infractions, no such surcharge shall be collected**
33 **unless it is authorized by order, ordinance, or resolution by the county**
34 **government where the violation occurred. For violations of municipal**
35 **ordinances, no such surcharge shall be collected unless it is authorized**
36 **by order, ordinance, or resolution by the municipal government where**
37 **the violation occurred. Such surcharges shall be collected and**
38 **disbursed by the clerk of each respective court responsible for**
39 **collecting court costs in the manner provided by sections 488.010 to**
40 **488.020, and shall be payable to the director of the regional juvenile**
41 **detention district.**

42 **2. The district shall use all funds received pursuant to this**

43 section only to pay for the costs associated with the repair,
44 maintenance, and operation of any regional juvenile detention district
45 facility including, but not limited to, utilities, maintenance, and
46 building security. The district shall establish and maintain a separate
47 account known as the "regional juvenile detention district fund" limited
48 to the uses authorized by this section. The district shall maintain
49 records identifying all surcharges and expenditures made from the
50 regional juvenile detention district fund.

51 **3. The provisions of this section shall expire on August 28, 2025.**

534.350. The judge rendering judgment in any such cause may issue
2 execution at any time after judgment, but such execution shall not be levied until
3 after the expiration of the time allowed for the taking of an appeal, except [as in
4 the next succeeding section is provided]:

5 **(1) Execution for the purpose of restoring possession shall be**
6 **issued no sooner than ten days after the judgment. However, the**
7 **execution for purposes of restoring possession shall be stayed pending**
8 **an appeal if the losing party posts an appeal bond; and**

9 **(2) If it shall appear to the officer having charge of the execution**
10 **that the defendant therein is about to remove, conceal, or dispose of his**
11 **or her property, so as to hinder or delay the levy, the rents and profits,**
12 **damages and costs may be levied before the expiration of the time**
13 **allowed for taking an appeal.**

535.030. 1. Such summons shall be served as in other civil cases at least
2 four days before the court date in the summons. The summons shall include a
3 court date which shall not be more than twenty-one business days from the date
4 the summons is issued unless at the time of filing the affidavit the plaintiff or
5 plaintiff's attorney consents in writing to a later date.

6 2. In addition to attempted personal service, the plaintiff may request,
7 and thereupon the clerk of the court shall make an order directing that the
8 officer, or other person empowered to execute the summons, shall also serve the
9 same by securely affixing a copy of such summons and the complaint in a
10 conspicuous place on the dwelling of the premises in question at least ten days
11 before the court date in such summons, and by also mailing a copy of the
12 summons and complaint to the defendant at the defendant's last known address
13 by ordinary mail at least ten days before the court date. If the officer, or other
14 person empowered to execute the summons, shall return that the defendant is not
15 found, or that the defendant has absconded or vacated his or her usual place of

16 abode in this state, and if proof be made by affidavit of the posting and of the
17 mailing of a copy of the summons and complaint, the judge shall at the request
18 of the plaintiff proceed to hear the case as if there had been personal service, and
19 judgment shall be rendered and proceedings had as in other cases, except that no
20 money judgment shall be granted the plaintiff where the defendant is in default
21 and service is by the posting and mailing procedure set forth in this section.

22 3. If the plaintiff does not request service of the original summons by
23 posting and mailing as provided in subsection 2 of this section, and if the officer,
24 or other person empowered to execute the summons, makes return that the
25 defendant is not found, or that the defendant has absconded or vacated the
26 defendant's usual place of abode in this state, the plaintiff may request the
27 issuance of an alias summons and service of the same by posting and mailing in
28 the time and manner provided in subsection 2 of this section. In addition, the
29 plaintiff or an agent of the plaintiff who is at least eighteen years of age may
30 serve the summons by posting and mailing a copy of the summons in the time and
31 manner provided in subsection 2 of this section. Upon proof by affidavit of the
32 posting and of the mailing of a copy of the summons or alias summons and the
33 complaint, the judge shall proceed to hear the case as if there had been personal
34 service, and judgment shall be rendered and proceedings had as in other cases,
35 except that no money judgment shall be granted the plaintiff where the defendant
36 is in default and service is by the posting and mailing procedure provided in
37 subsection 2 of this section.

38 4. [On the date judgment is rendered as provided in this section where
39 the defendant is in default, the clerk of the court shall mail to the defendant at
40 the defendant's last known address by ordinary mail a notice informing the
41 defendant of the judgment and the date it was entered, and stating that] The
42 defendant has ten days from the date of the judgment to file a motion to set aside
43 the judgment [in the circuit court, as the case may be,] and [that] unless the
44 judgment is set aside within ten days, the judgment **for possession** will become
45 final and the defendant will be subject to eviction from the premises without
46 further notice. **On the date judgment is rendered if the defendant is in**
47 **default, the clerk of the court shall mail to the defendant at the**
48 **defendant's last known address by ordinary mail a notice informing the**
49 **defendant of the foregoing.**

535.110. Applications for appeals shall be allowed and conducted in the
2 manner provided as in other civil cases; but no application for an appeal shall
3 stay execution unless the defendant [give] **gives** bond, with security sufficient to

4 secure the payment of all damages, costs and rent then due, and with condition
5 to stay waste and to pay all subsequently accruing rent, if any, into court within
6 ten days [after it becomes due,] **after an entry of the judgment by the trial**
7 **court, all other provisions of law to the contrary notwithstanding,**
8 pending determination of the appeal. **Execution for the purpose of restoring**
9 **possession shall be stayed pending an appeal if the losing party posts**
10 **a sufficient appeal bond.**

535.160. If the defendant, on the date any money judgment is given in any
2 action pursuant to this chapter, either tenders to the landlord, or brings into the
3 court where the suit is pending, all the rent then in arrears, and all the costs,
4 further proceedings in the action shall cease and be stayed. If on any date after
5 the date of any original trial, **but before the judgment becomes final,** the
6 defendant shall satisfy such money judgment and pay all costs, any execution for
7 possession of the subject premises shall cease and be stayed; except that the
8 landlord shall not thereby be precluded from making application for appeal from
9 such money judgment. If for any reason no money judgment is entered against
10 the defendant and judgment for the plaintiff is limited only to possession of the
11 subject premises, no stay of execution shall be had, except as provided by the
12 provisions of section 535.110 or the rules of civil procedure or by agreement of the
13 parties.

[534.360. If it shall appear to the officer having charge of
2 the execution that the defendant therein is about to remove,
3 conceal or dispose of his property, so as to hinder or delay the levy,
4 the rents and profits, damages and costs may be levied before the
5 expiration of the time allowed for taking an appeal.]

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