

SECOND REGULAR SESSION
[P E R F E C T E D]
REVISION

SENATE BILL NO. 1002

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIGGINS.

Read 1st time February 10, 2000, and 1,000 copies ordered printed.

Read 2nd time February 28, 2000, and referred to the Committee on Rules, Joint Rules and Resolutions.

Reported from the Committee March 6, 2000, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 15, 2000. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4463L.01P

AN ACT

To transfer or enact thirty-eight sections in compliance with the directives of senate bill no. 869 of the second regular session of the eighty-eighth general assembly, 1996.

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

Section A. The following thirty-eight sections are transferred or enacted, to be known as sections 488.024, 488.027, 488.032, 488.035, 488.040, 488.045, 488.064, 488.426, 488.429, 488.432, 488.435, 488.445, 488.447, 488.470, 488.472, 488.473, 488.474, 488.607, 43.545, 488.627, 488.633, 488.635, 488.2250, 488.2253, 488.2275, 488.2300, 488.4014, 488.5017, 488.5320, 488.5332, 488.5334, 488.5336, 488.5339, 488.5342, 488.5345, 488.5356, 488.5358 and 488.6697, to read as follows:

488.024. As provided by section 57.955, RSMo, there shall be assessed and collected a surcharge of three dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or

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

municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the sheriffs' retirement fund.

EXPLANATION: This section was enacted and printed in chapter 488, RSMo, from section 57.955, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[476.053.] **488.027.** 1. In addition to all other court costs provided by law, in all civil cases filed in the circuit courts of this state and in all criminal cases including violations of any municipal or county ordinance heard by an associate circuit judge or any violation of criminal or traffic laws of this state, including an infraction, a fee in an amount determined pursuant to sections 488.015 to 488.020[, RSMo,] shall be assessed as costs, except that, no such fee shall be collected in any proceeding involving a violation of an ordinance or state law when a criminal proceeding or defendant has been dismissed by the court or when costs are waived or are to be paid by the state, county[,] or municipality.

2. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020[, RSMo]. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the statewide court automation fund which is established in section 476.055, **RSMo**.

3. The assessment of court costs authorized by this section shall apply to all cases filed on or after September 1, 1994.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.032. 1. Witnesses shall, pursuant to section 491.280, RSMo, be allowed fees for their services subject to guidelines to be promulgated by the supreme court.

2. Each witness may be examined on oath by the court or by the clerk when the court shall so order as to factors relevant to the proper amount of payment pursuant to this section.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.035. If the witness is summoned to attend and testify in this state, pursuant to the provisions of section 491.420, RSMo, he or she shall, pursuant to section 491.420, RSMo, be tendered by the treasurer of the county in which the prosecution is pending the sum of ten cents a mile for each mile by the ordinary traveled route to and from the

court where the prosecution is pending and fifteen dollars for each day that he or she is required to travel and attend as a witness.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.040. 1. Each grand and petit juror shall, pursuant to the provisions of section 494.455, RSMo, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, RSMo, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body

shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.045. At any time after the jury is impaneled, pursuant to the provisions of section 494.480, RSMo, such defendant shall be liable to the county for the costs associated with impaneling the jury.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.064. In the event the judge orders child support payments in Marion County to be made through the clerk, the clerk shall annually, on or before February first of each year, pursuant to section 483.083, RSMo, charge ten dollars per year to each such person so obligated to make child support payments, which fee shall be paid to the state.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[514.440.] **488.426.** The judges of the circuit court, en banc, in any circuit in this state, by rule of court adopted prior to January 1, 1997, may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed fifteen dollars in addition to all other deposits required by law or court rule. Sections [514.440 to 514.460] **488.426 to 488.432** shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[514.450.] **488.429.** Moneys collected pursuant to section [514.440] **488.426** shall be payable to the circuit judge or judges of the circuit court of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the circuit judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the circuit judge or judges of the circuit court of any such county; provided, that the judge or judges of the circuit of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[514.460.] **488.432.** If in any suit in which a deposit is provided for under sections [514.440 to 514.460] **488.426 to 488.432**, the party filing the suit shall prevail, the amount of said deposit required at the time of filing said suit shall be awarded and collectable as a judgment entered in said suit in favor of the prevailing party making said deposit.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, RSMo, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, RSMo, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280, RSMo; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, RSMo, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280, RSMo, shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall, as provided in section 57.280, RSMo, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or attorney. The party at whose application any writ, execution, subpoena or other

process has issued from the court shall pay the sheriff's costs, as provided in section 57.280, RSMo, for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, as provided in section 57.280, RSMo, going and returning from the courthouse of the county in which he or she resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[455.205.] **488.445.** 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, 2000, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court under the provisions of section 452.305, RSMo. The surcharge shall not be charged when no court costs are otherwise required, and shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license[,] and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition[,] and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020[, RSMo]. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230, **RSMo.**

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[478.401.] **488.447.** 1. The circuit and associate circuit judges of the circuit court in any city not within a county shall require any party filing a civil case in the circuit court, at the time of filing suit, to deposit with the circuit clerk a surcharge in the amount of thirty-five dollars, in addition to all other court costs now or hereafter required by law or court rule, and no summons

shall be issued until such surcharge has been paid. This section shall not apply to proceedings when costs are waived or paid by the state, county or municipality.

2. Such funds shall be payable to the treasury of any city not within a county to be credited to a courthouse restoration fund, which shall bear interest, to be used by any city not within a county only for the restoration, maintenance[,] and upkeep of the courthouses; provided, that the courthouse restoration fund may be pledged to directly or indirectly secure bonds to fund such costs. All funds collected pursuant to this section before August 28, 1995, shall be credited to the courthouse restoration fund provided for in this section, to be used pursuant to the provisions of this section.

3. This section shall expire on August 28, 2033.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.470. If any railroad corporation formed or to be formed in this state, and any corporation to be formed pursuant to chapter 389, RSMo, or any railroad corporation running or operating any railroad in this state fails, neglects or refuses to erect or maintain in good condition any fence, openings or farm crossings or cattle guards as required by section 389.650, RSMo, then the owners or proprietors of such lands, fields or enclosures may erect or repair such fences, openings, gates or farm crossings or cattle guards, and shall thereupon have a right to sue and recover from such corporation as provided in section 389.650, RSMo. In such action, if the plaintiff recovers judgment, there shall be taxed, pursuant to section 389.650, RSMo, as costs against the defendant an attorney's fee, to be fixed by the court or associate circuit judge before which or whom the cause may be pending, at such sum as may be a reasonable compensation for all legal services rendered for plaintiff in the case, without regard to any agreement between plaintiff and his or her counsel as to fees; but such fee shall not be taxed so long as any appeal taken in such case shall remain undisposed of.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.472. In case any telecommunications company shall do or cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or other thing required to be done by chapter 392, RSMo, or by any order or decision of the commission, such telecommunications company shall be liable to the person or corporation affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery, if the court shall find that such an act or omission was willful, it may, in its discretion, pursuant to section 392.350, RSMo, fix a reasonable counsel or

attorney's fee, which fee shall be taxed and collected as a part of the costs in the action.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.473. The cost of the proceeding to appropriate property as provided in section 393.080, RSMo, shall be paid by the corporation, company or individual seeking the appropriation for gas, electric, water and sewer corporations, up to and including the filing and copying of the report of the commissioners, and the court, as to any cost made by any subsequent litigation, may make such order as in its discretion may be deemed just. The court shall, pursuant to section 393.080, RSMo, allow the commissioners a reasonable compensation for their services, which shall be taxed as costs in the proceedings.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.474. 1. If, at the hearing on the delivery of access to the utility meter under section 393.557, RSMo, the court specifically finds, on the basis of the record at such hearing, that the utility company willfully and wrongfully instituted an action under sections 393.550 to 393.565, RSMo, the utility customer in default may be entitled to any damages which might be incurred by such utility customer in default as a direct result of such actions by the utility company, together with reasonable attorney fees.

2. Costs may be taxed in the discretion of the court pursuant to section 393.561, RSMo, and the court shall direct which party is obligated to pay the sheriff's expenses referred to in section 393.559, RSMo.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[479.261. 1.] **488.607.** In addition to all other court costs for county or municipal ordinance violations, any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters may, by order or ordinance to be effective prior to January 1, 2000, provide for an additional surcharge in the amount of two dollars per case for each criminal case including county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge

pursuant to section 479.020, **RSMo**, or to employ judicial personnel pursuant to section 479.060, **RSMo**, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020[, **RSMo**]. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, **RSMo**.

[2.] **43.545.** The state highway patrol shall include in its voluntary system of reporting for compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this [subsection] **section** only, "domestic violence" shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.627. In a dispositional hearing for a juvenile pursuant to section 211.459, RSMo, the court may require any and all investigating division personnel connected with the particular case to testify without privilege and subject to the rules of cross-examination. Such witnesses shall receive as compensation the witness fee and mileage provided in civil cases.

EXPLANATION: This section is enacted and printed in chapter 488, **RSMo**, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.633. The circuit judges of the circuit courts of the City of St. Louis and St. Louis County may appoint at least one "friend of the court" in child support matters, pursuant to section 478.422, RSMo. As compensation for his or her services the friend of the court shall, pursuant to section 478.422, RSMo, be allowed a fee in each case of not to exceed fifty dollars which shall be taxed as costs.

EXPLANATION: This section is enacted and printed in chapter 488, **RSMo**, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.635. In addition to any other court costs required to institute an action in the circuit division of the circuit court, a surcharge of three dollars shall be paid pursuant to section 452.552, RSMo, by the person filing such action. The surcharge shall be collected and disbursed in a manner provided by sections 488.012 to 488.020 by the court clerk at the time the petition is filed and shall be payable to the director of

revenue for deposit in the domestic relations resolution fund established in section 452.554, RSMo.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[485.100.] **488.2250.** For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of one dollar and fifty cents per twenty-five line page for the original of the transcript, and the sum of thirty-five cents per twenty-five line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which he shall receive one dollar and fifty cents per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[485.120.] **488.2253.** In every contested case, or case in which the evidence is to be preserved, except for the collection of delinquent or back taxes, before any circuit judge when an official court reporter is appointed, the clerk of said court shall tax up the sum of fifteen dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the state.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[483.591.] **488.2275.** 1. In addition to all other court costs prescribed by law, a surcharge of ten dollars shall be assessed as costs in each court proceeding filed in any court in the state located within a county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including infractions, except that no such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or

municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed as provided by sections 488.010 to 488.020[, RSMo,] and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received under this section only to pay for the costs associated with the operation of the county judicial facility including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[487.170.] **488.2300.** 1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars[,] in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged for actions filed pursuant to the provisions of chapter 455, RSMo, shall not be charged to a government agency[,] and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality.

2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars may be assessed against the child, parent or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, RSMo, and in an order of disposition or treatment under the provisions of section 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the assessment is imposed and shall be collected and disbursed in the manner provided by sections 488.010 to 488.020[, RSMo].

3. All sums collected pursuant to this section and section 487.140, **RSMo**, shall be payable to the various county family services and justice funds.

4. Any moneys in the family services and justice fund not expended for salaries of commissioners, family court administrators[,] and family court staff shall be used toward funding the enhanced services provided as a result of the establishment of a family court; however, it shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law. Moneys collected for the family services and justice fund shall be expended for the benefit of litigants and recipients of services in the family court, with priority

given to services such as mediation, counseling, home studies, psychological evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of the presiding judge or family court administrative judge, as designated by the circuit and associate circuit judges en banc, for the implementation of the family court system as set forth in this section. No moneys from the family services and justice fund may be used to pay for mediation in any cause of action in which domestic violence is alleged.

5. From the funds collected pursuant to this section and retained in the family services and justice fund, each circuit or county in which a family court commissioner in addition to those commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed pursuant to sections 487.020 to 487.040, **RSMo**, shall pay to and reimburse the state for the actual costs of that portion of the salaries of family court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040, **RSMo**.

6. No moneys deposited in the family services and justice fund may be expended for capital improvements.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.4014. 1. A fee of ten dollars, as provided in section 67.133, RSMo, shall be assessed in all cases in which the defendant is convicted of violating any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of section 67.133, RSMo, shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected, pursuant to section 67.133, RSMo, on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5017. A surcharge of one dollar, as provided for in section 56.765, RSMo, shall be assessed as costs in each court proceeding filed in any court in the state in all

criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, including an infraction; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge, as provided in section 57.290, RSMo, for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to section 57.290, RSMo, shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to section 57.290, RSMo.

3. As provided in section 57.290, RSMo, in cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city or county having a population of three hundred thousand inhabitants or over.

4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall, as provided in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by

section 57.290, RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, as provided in section 57.290, RSMo, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290, RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed, as provided in section 57.290, RSMo, the same

compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the nearest depot on such railroad to the place where such convicted offender was sentenced.

6. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

7. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to section 57.290, RSMo, at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[561.035.] **488.5332.** In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of fifty cents. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020[, RSMo]. Moneys collected from this surcharge shall be payable to the independent living center fund created in section 178.653, RSMo.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[577.048.] **488.5334.** Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012, **RSMo**, or violations of county or municipal ordinances involving alcohol or drug-related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the state or local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made under [this] chapter **577, RSMo**, to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The state and each local law enforcement agency may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

[590.140.] **488.5336.** 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020[, RSMo]. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If

imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020[, RSMo]. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020[, RSMo,] and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178, **RSMo**. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180, **RSMo**, or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

EXPLANATION: This section is transferred in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5339. 1. There is created in section 595.045, RSMo, the crime victims' compensation fund. A surcharge of five dollars shall be assessed pursuant to section 595.045, RSMo, as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. A surcharge of five dollars shall be assessed pursuant to section 595.045, RSMo, as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5342. When a prosecutor is unable to appear in court as provided in sections 56.110 and 56.120, RSMo, the person appointed shall possess the same power as the

proper officer would if he or she was present and shall receive a reasonable fee pursuant to the provisions of section 56.130, RSMo, for each case prosecuted to be fixed by the court and to be taxed and paid as other costs in criminal cases.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5345. In case of any prisoner confined in any jail in this state on a charge of felony being in want of needful and necessary clothing, it shall be the duty of the jailer to procure the same, and to present his or her account therefor to the court having criminal jurisdiction for the county; and on such court being satisfied of the correctness of such account, shall certify the same for payment as provided in section 221.140, RSMo, as other costs in criminal cases, to the state auditor.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5356. The costs and expenses necessarily incurred in the change of venue pursuant to section 545.620, RSMo, shall be adjusted and allowed by the court wherein the cause is tried, and shall be taxed as other costs in such cause.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.5358. The court administrator of the sixteenth judicial circuit shall, pursuant to section 478.466, RSMo, charge and collect a surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition, provided that the surcharge shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the drug commissioner for operation of the drug court.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

488.6697. Each recorder and each clerk shall receive, for filing an order of consolidation of a fire protection district as provided in section 321.470, RSMo, a fee of one dollar, to be charged as costs in the proceeding.

EXPLANATION: This section is enacted and printed in chapter 488, RSMo, in compliance with the directive of S.B. 869 of the Second Regular Session of the 88th General Assembly, 1996.

✓

Unofficial

Bill

Copy