

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1152

91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, March 5, 2002, with recommendation that the Senate Committee Substitute do pass.

4097S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 50.333, 57.290, 67.133, 143.782, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.340, 476.385, 478.725, 488.012, 488.020, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 577.051 and 595.045, RSMo, relating to courts, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 50.333, 57.290, 67.133, 143.782, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.340, 476.385, 478.725, 488.012, 488.020, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 577.051 and 595.045, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 50.333, 143.782, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 476.058, 476.061, 476.340, 476.385, 488.012, 488.020, 488.2300, 488.4014, 488.5021, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.151, 577.051 and 595.045, to read as follows:

- 50.333. 1. There shall be a salary commission in every nonchartered county.
2. The **county** clerk [of the circuit court of the judicial circuit] in which such county is

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

located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the **county** clerk [of the circuit court] shall forthwith set the earliest date possible for a meeting of the salary commission. The [circuit] **county** clerk shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

3. The members of the salary commission shall be:

- (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;
- (2) The county clerk;
- (3) The prosecuting attorney;
- (4) The sheriff;
- (5) The county commissioners;
- (6) The collector or treasurer ex officio collector;
- (7) The treasurer or treasurer ex officio collector;
- (8) The assessor;
- (9) The auditor;
- (10) The public administrator; and
- (11) The coroner.

Members of the salary commission shall receive no additional compensation for their services as members of the salary commission. A majority of members shall constitute a quorum.

4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings of a county salary commission shall be open meetings and all votes taken at such meetings shall be open records. Any vote taken at any meeting of the salary commission shall be taken by recorded yeas and nays.

5. In every county, the salary commission shall meet at least once before November thirtieth of each odd-numbered year. The salary commission may meet as many times as it deems necessary and may meet after November thirtieth and prior to December fifteenth of any odd-numbered year if the commission has met at least once prior to November thirtieth of that year. At any meeting of the salary commission, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep the minutes of the meeting.

6. For purposes of this section, the 1988 base compensation is the compensation paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference

between the maximum allowable compensation and the compensation paid on September 1, 1987. its meeting in 1987 and at any meeting held in 1988, the salary commission shall determine the compensation to be paid to every county officer holding office on January 1, 1988. The salary commission shall establish the compensation for each office at an amount not greater than that set by law as the maximum compensation. If the salary commission votes to increase compensation, but not to pay the maximum amount authorized by law for any officer or office, then the increase in compensation shall be the same percentage increase for all officers and offices and shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation being received at the time of the vote. If two-thirds of the members of the salary commission vote to decrease the compensation being received at the time of the vote below that compensation, all officers shall receive the same percentage decrease. The commission may vote not to increase or decrease the compensation and that compensation shall continue to be the salary of such offices and officers during the subsequent term of office.

7. For the year 1989 and every second year thereafter, the salary commission shall meet in every county as many times as it deems necessary on or prior to November thirtieth of any such year for the purpose of determining the amount of compensation to be paid to county officials. For each year in which the commission meets, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep minutes of the meeting. The salary commission shall then consider the compensation to be paid for the next term of office for each county officer to be elected at their next general election. If the commission votes not to increase or decrease the compensation, the salary being paid during the term in which the vote was taken shall continue as the salary of such offices and officers during the subsequent term of office. If the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time, shall receive the same percentage of the maximum allowable compensation. However, for any county in which all offices' and officers' salaries have been set at one hundred percent of the maximum allowable compensation, the commission may vote to increase the compensation of all offices except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission without regard to any law or maximum limitation established by law. Such increase shall be expressed as a percentage of the compensation being paid during the term of office when the vote is taken, and each officer or office whose compensation is being established by the salary commission at that time shall receive the same percentage increase over the compensation being paid for that office during the term when the vote is taken. This increase shall be in addition to any increase mandated by an official's salary schedule because of changes in assessed valuation during the current term. If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before

the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

8. The salary commission shall issue, not later than December fifteenth of any year in which it meets, a report of compensation to be paid to each officer and the compensation so set shall be paid beginning with the start of the subsequent term of office of each officer. The report of compensation shall be certified to the clerk of the county commission for the county and shall be in substantially the following form:

The salary commission for County hereby certifies that it has met pursuant to law to establish compensation for county officers to be paid to such officers during the next term of office for the officers affected. The salary commission reports that there shall be (no increase in compensation) (an increase of percent) (a decrease of percent) (county officer's salaries set at percent of the maximum allowable compensation). Salaries shall be adjusted each year on the official's year of incumbency for any change in the last completed assessment that would affect the maximum allowable compensation for that office.

9. For the meeting in 1989 and every meeting thereafter, in the event a salary commission in any county fails, neglects or refuses to meet as provided in this section, or in the event a majority of the salary commission is unable to reach an agreement and so reports or fails to certify a salary report to the clerk of the county commission by December fifteenth of any year in which a report is required to be certified by this section, then the compensation being paid to each affected office or officer on such date shall continue to be the compensation paid to the affected office or officer during the succeeding term of office.

10. Other provisions of law notwithstanding, in every instance where an officer or employee of any county is paid a mileage allowance or reimbursement, the county commission shall allow or reimburse such officers or employees out of the county treasury at the highest rate paid to any county officer for each mile actually and necessarily traveled in the performance of their official duties. The county commission of any county may elect to pay a mileage allowance for any county commissioner for travel going to and returning from the place of holding commission meetings and for all other necessary travel on official county business in the personal motor vehicle of the commissioner presenting the claim. The governing body of any county of the first classification not having a charter form of government may provide by order for the payment of mileage expenses of elected and appointed county officials by payment of a certain amount monthly which would reflect the average monthly mileage expenses of such officer based on the amount allowed pursuant to state law for the payment of mileage for state employees. Any order entered for such purpose shall not be construed as salary, wages or other compensation for services rendered.

11. The term "maximum allowable compensation" as used in this section means the highest compensation which may be paid to the specified officer or office in the particular county based on the salary schedule established by law for the specified officer or office. If the salary commission at its meeting in 1987 voted for one hundred percent of the maximum allowable compensation and does not change such vote at its meeting held within thirty days after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

12. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, and if the adjustment of compensation is authorized, the percentage increase shall be the same for all county officers, not to exceed the percentage increase given to the other county employees. The compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.

13. At the salary commission meeting in 1997 which establishes the salaries for those officers to be elected at the general election in 1998, the salary commission of each noncharter county may provide salary increases for associate county commissioners elected in 1996. This one-time increase is necessitated by the change from two- to four-year terms for associate commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth general assembly in 1995.

143.782. As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

(1) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, or any support obligation which is being enforced by the division of family services on behalf of a person who is receiving support enforcement services pursuant to section 454.425, RSMo;

(2) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

(3) "Department", the department of revenue of the state of Missouri;

(4) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo; and

(5) "State agency", any department, division, board, commission, office, **court, including the supreme court, court of appeals or any circuit court of the state**, or other agency

of the state of Missouri, including public community college district.

429.032. 1. When multiple lots, tracts or parcels are the subject of one mechanic's lien created by virtue of sections 429.010 to 429.340, it shall be permissible for every mechanic or other person who has a lien upon such multiple lots, tracts or parcels to release one or more of the lots, tracts or parcels from the mechanic's lien. The lots, tracts or parcels released, and the amount of mechanic's lien debt attributable to such lot, tract or parcel so released shall be specified by the mechanic's lien claimant.

2. Whenever a mechanic's lien filed upon multiple lots, tracts or parcels is partially released as to one or more of the lots, tracts or parcels, it shall be the duty of the mechanic's lien claimant to acknowledge upon the record or the margin thereof, in the office of the [clerk of the circuit court] **recorder of deeds**, the portion of the mechanic's lien debt that is satisfied and the lots, tracts or parcels which are being released. The acknowledgment shall be sufficient if filed with the [clerk of the circuit court] **recorder of deeds** in the following form:

PARTIAL RELEASE OF MECHANIC'S LIEN
STATE OF MISSOURI)
)SS.
COUNTY OF)

COMES NOW, (name of lien claimant) the lien claimant and does hereby partially release its mechanic's lien filed on, (date lien filed) and filed for record as lien number (lien number or book and page numbers)

The amount of the original mechanic's lien debt is \$

The amount of the original mechanic's lien debt which is now satisfied is \$ The lots, tracts or parcels which are being released are more fully described as follows:

(Legal description of lots, tracts or parcels which are being released)

.....

Lien Claimant

By.....

(Signature of authorized representative)

(FOR INDIVIDUAL LIEN CLAIMANT)

On this day of, 19...., before me personally appeared, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.

.....

Notary Public

My commission expires:

.....

OR

(FOR CORPORATE LIEN CLAIMANT)

On this day of, 19....., before me personally appeared, to me personally known, who, being by me duly sworn, did say that he is the of a Missouri corporation, and that the seal affixed to the foregoing corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and said acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.

Unofficial
.....
Notary Public

My commission expires:

.....

429.080. It shall be the duty of every original contractor, every journeyman and day laborer, and every other person seeking to obtain the benefit of the provisions of sections 429.010 to 429.340, within six months after the indebtedness shall have accrued to file with the [clerk of the circuit court] **recorder of deeds** of the proper county a just and true account of the demand due him or them after all just credits have been given, which is to be a lien upon such building or other improvements, and a true description of the property, or so near as to identify the same, upon which the lien is intended to apply, with the name of the owner or contractor, or both, if known to the person filing the lien, which shall, in all cases, be verified by the oath of himself or some credible person for him.

429.090. It shall be the duty of the [clerk of the circuit court] **recorder of deeds** to endorse upon every account the date of its filing, and maintain an abstract thereof, containing the date of its filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the same.

429.120. Whenever any debt, which is a lien upon any building or other improvement, shall be paid or satisfied, the creditor, if required, shall file an acknowledgment of such satisfaction with the [clerk of the circuit court] **recorder of deeds**.

429.160. Any two or more persons having filed in the [clerk's] **recorder of deeds** office mechanics' liens may assign to each other or to any other person all their right, title and interest

in and to such mechanics' liens, and the assignee thereof may bring suit in his name and enforce all such assigned liens as fully as if the same had not been assigned.

429.270. Any and all liens in sections 429.010 to 429.340 provided for may be adjudicated and determined and the rights of all parties interested in the same and in the property and of any of the property against which the same is claimed may be adjudicated, determined and enforced in one action which may be brought by any such lien claimant after the statement for such lien is filed in the office of the [clerk of court] **recorder of deeds**, as herein provided, or such action may be brought by any owner or lessee of the property or any of it to be affected, or mortgagee or holder of any other encumbrance thereon. Such action shall be an equitable action for the purpose of determining the various rights, interest and liens of the various mechanics' lien claimants and claimants of other liens and owner of any interest in or leasehold upon said property and for enforcing the rights of any and all such persons in, to or against the property, being the lands and buildings and either of the same and for sale of such property, land and buildings or either of the same and for marshalling and distribution of the proceeds thereof among the parties according to their respective legal and equitable rights therein. Such action shall be an equitable action for the purpose of determining, establishing and enforcing the various and respective rights of the parties thereto and for the purpose of marshaling, applying and distributing the proceeds of the sale of such property that may be ordered and decreed in said action.

429.460. It shall be the duty of all persons claiming the benefit of such lien, within ninety days next after the completion of the work, or after the materials are furnished, to file in the office of the [circuit clerk] **recorder of deeds** of any county through which said railroad is located a just and true account of the amount due after all just credits have been given, which account shall state the amount claimed as due, the general nature of the work, amount of labor performed or of materials furnished, the dates when the work was done and when materials were furnished, and the place or places at which said labor and work was performed or said materials were furnished, the name or names of the parties with whom the contract for said work or furnishing said materials was made, and also the name of the railroad against which said lien is intended to apply; and it shall be the duty of all persons claiming said lien, within said ninety days, to serve a copy of the above account on the person or corporation owning or operating or having charge of said road or of the property to which said lien attaches, which said copy of account may be served in the same manner as now provided by law for the service of summons on corporations.

429.470. It shall be the duty of the [circuit clerk] **recorder of deeds** to endorse upon every account the date of its filing, and maintain an abstract thereof, containing the date of its filing, the name of the person seeking to enforce the lien, the amount claimed, and the name of the railroad against which the lien is filed; and it shall be the duty of [circuit clerks] **the**

recorder of deeds in whose office such accounts and liens may be filed, within five days thereafter, to forward to the secretary of state a true copy of said accounts and liens. **It shall be the duty of the judgment creditor in an action filed pursuant to section 429.520, to forward to the secretary of state a certified copy of the [and] judgments [rendered thereon by the circuit courts in which the case has been tried].**

429.490. Whenever any debt, which is a lien upon any building or other improvement, shall be paid and satisfied, the creditor, if required, shall file an acknowledgment of such satisfaction with the [clerk of the circuit court] **recorder of deeds**, which satisfaction shall be certified by the [clerk] **recorder** to the secretary of state within ten days after the same has been entered upon the records in his office; and the [clerks of the circuit courts] **recorder of deeds** and the secretary of state shall receive as full compensation for services performed by them as is provided for under this chapter for mechanics' liens.

429.540. In all cases where judgments have been rendered and a sale has been ordered, and the property sold to which said liens attach, the proceeds arising from such sale, if not sufficient to discharge all the liens on which judgments have been rendered before such sale shall be made, shall be distributed pro rata upon such judgments as if the filing of the said liens had been all the same date; and when such judgments have been by such sales or otherwise wholly or partially paid, and satisfied, the [clerks] **recorder** shall enter upon the records the amount or amounts so paid, with a correct description of the real property sold, and within the time and in like manner certify the same to the secretary of state, as heretofore provided.

454.505. 1. In addition to any other remedy provided by law for the enforcement of support, if a support order has been entered, the director shall issue an order directing any employer or other payor of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement.

If the income of an obligor is not withheld as of the effective date of the support order, pursuant

to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation **or when an employer is located.**

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the division of child support enforcement regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order.[A copy of such order shall be filed with the circuit court in the county or city not within a county in which the judgment of dissolution or paternity was entered, or if no such judgment was entered, in the county or city not within a county where either parent or the child resides or where the order or judgment is filed or registered.]

3. An order entered pursuant to this section shall be served on the employer or other payor by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payor shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount

was withheld from each obligor. If the order does not contain the Social Security number of the obligor, the employer or other payor shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payor other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payor on the date of service or which may come into the possession of the payor after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payor upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payor may, at the request of the obligee or the director, withhold and pay over to the payment center, an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available

to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of

the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payor is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payor may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

455.027. [1.] No [advance] filing fees, **court costs** or bond shall be [required for filing a petition] **assessed to the petitioner** in an action commenced under sections 455.010 to 455.085.

[2. The clerk shall advise the petitioner of his right to file a financial statement indicating the petitioner's income and liabilities. This information may be required by the court and shall be considered before assessment of court costs.

3. Assessment of court costs or a determination of indigency shall be considered by the court at the time of a termination of the proceeding.]

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and

appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452, RSMo, or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452, RSMo, 1978 as amended.

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate [when the parties voluntarily consent to the termination of the order by a written consent filed with the court which entered the order] **upon the filing of a motion to terminate the order of protection by petitioner. However, in cases where the order grants custody of minor children to the respondent, the order shall terminate only upon consent of both parties or upon respondent's failure to object within ten days of receiving petitioner's notice of the filing of a motion to terminate. If the respondent timely objects to the termination, the court shall set the motion to terminate for hearing and both parties shall have an opportunity to be heard.**

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.067. 1. Any order of protection issued by **a court of** any other state, **tribe**, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, shall be given full faith and credit throughout the state in all courts, and by all law enforcement officials and agencies, and all public officials **and shall be enforceable in the same manner as any order of protection issued by a court in this state.**

2. A person entitled to protection under a foreign order of protection as described in subsection 1 of this section may file **in the circuit court having jurisdiction** a [petition seeking registration of the foreign order in the circuit court having jurisdiction. A certified copy

of the foreign order of protection shall be attached to such petition. The petition shall set forth the date of the entry of the foreign order of protection and a record of any subsequent orders affecting such foreign order of protection, and shall state that to the best of such person's knowledge, the order filed with the petition is in effect. The court shall receive and consider such petition in the manner provided by sections 455.025 to 455.035, and its inquiry shall be limited to whether and the extent that the foreign order of protection is in effect. If the court decides such issues in the affirmative, the court shall issue an order giving full faith and credit to the foreign order of protection throughout the state, as if such foreign order was originally issued by a court of this state.] **certified copy of the foreign order of protection and an affidavit or sworn statement from the petitioner that the copy of the foreign order is a true and accurate copy and has not been altered. If the foreign order of protection shall terminate prior to the expiration date on the order, the petitioner shall notify the circuit court.** A foreign order of protection as described in subsection 1 of this section shall be enforceable in this state so long as it is in effect in the issuing state.

3. [A copy of the Missouri court's order recognizing a foreign order of protection shall be sent by the court to the respondent by certified mail, at his last known address, with a copy of the petition and foreign order of protection. At any time during the duration of the order recognizing the foreign order of protection, the respondent may move the court to modify or set aside its order recognizing the foreign order of protection. Such motion shall be heard only if a copy of the motion and a summons indicating a date and time certain for such hearing is personally served on the petitioner, and the respondent shall not be entitled to a continuance of such hearing. Such motion shall be sustained only if the respondent demonstrates to the court by clear and convincing evidence that the Missouri court's order was not issued in compliance with this section. The petitioner shall not be required to appear or to deny or rebut the allegations or evidence submitted by respondent in order for the court to deny respondent's motion.] **Filing of the foreign order of protection shall be without fee or cost.**

4. Registration and a Missouri court order recognizing a foreign order of protection shall not be required for the enforcement of a certified foreign order of protection in this state.

455.075. **If a full order of protection has been granted,** the court may order a [party] **respondent** to pay a reasonable amount [for the cost] to the [other party of maintaining or defending any proceeding under sections 455.010 to 455.085 and] **petitioner** for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court shall consider all relevant factors, including the financial resources of both parties, and may order that the amount be paid directly to the attorney, who may enforce the order in his name.

455.504. 1. **The clerk of the court shall make available to the petitioner the uniform forms adopted by the supreme court pursuant to section 455.073. Except as**

provided pursuant to section 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition filed pursuant to the provisions of sections 455.500 to 455.538 to the court. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices. The location of the office where a petition can be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants. The supreme court may promulgate rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall provide forms for petitions and written instructions on filling out all forms and pleadings necessary for the presentation of the petition to the court.

2. No [advance] filing fees, **court costs** or bond shall be [required for filing a petition] **assessed** in an action commenced under sections 455.500 to 455.538.

3. [The clerk shall advise the petitioner of his right to file a financial statement indicating the petitioner's income and liabilities. This information may be required by the court and shall be considered before assessment of court costs.

4. Assessment of court costs or a determination of indigency shall be considered by the court at the time of a termination of the proceeding.] **The clerk shall immediately notify the guardian ad litem or court-appointed special advocate of appointment and shall provide the guardian ad litem or court-appointed special advocate with a copy of the petition for the order of protection for the child. The clerk shall provide the guardian ad litem or court-appointed special advocate with the names, addresses and telephone numbers of the parties within twenty-four hours of entry of the order appointing the guardian ad litem or court-appointed special advocate.**

476.058. 1. As used in this section, the term "court personnel" includes all personnel of all state courts and all divisions of the courts, including juvenile, family and municipal divisions, and clerks, deputy clerks, division clerks, official court reporters, law clerks and court administrators, but not including judges.

2. There is hereby established in the state treasury the "State Court Administration Revolving Fund". Any moneys received by or on behalf of the state court administrator from registration fees, grants, or any other source in connection with the training and education of court personnel provided pursuant to this section shall be deposited into the fund.

3. **In addition, any moneys received by or on behalf of the state courts administrator from fees, grants or any other sources in connection with the preparation of court transcripts shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.**

4. The state treasurer shall administer the fund and shall disburse moneys from the fund to the state courts administrator pursuant to appropriations in order to provide training [and], to purchase goods and services related to the training and education of court personnel **and to pay for goods and services associated with the preparation of court transcripts.**

[4.] 5. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, until the amount in the state courts administration revolving fund exceeds the greater of either one-half of the expenditures from the fund during the previous year, or fifty thousand dollars.

476.061. 1. An interpreter or translator cannot be compelled to testify as to the information that would otherwise be protected by attorney-client privilege as between the party and his or her attorney.

2. An interpreter or translator who serves in any criminal, juvenile proceeding, including, any investigation, interview or any other proceeding regarding the juvenile, or domestic violence actions commenced pursuant to sections 455.010 to 455.085, RSMo, or sections 455.500 to 455.538, RSMo, shall be allowed a reasonable fee approved by the court. If the person requiring an interpreter or translator during the proceeding is a party to or a witness in the proceeding, such fee shall be payable by the state from funds appropriated to the office of the state courts administrator.

3. An interpreter or translator appointed pursuant to section 476.060 in any proceeding not enumerated in subsection 2 of this section is entitled to a reasonable fee for such provider's service.

476.340. 1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) Two other members of the supreme court appointed by the supreme court;

(3) One member of each district of the court of appeals elected by the judges thereof, respectively;

(4) Eight circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges, other than judges of the probate division, of the district to represent each of the districts of the court of appeals, respectively. A judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Five of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state;

(5) One judge of the probate division of circuit courts in counties having a population of

more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) Three associate circuit judges elected for three-year terms, one from each district of the court of appeals, by the associate circuit judges of the district to represent each of the districts of the court of appeals, respectively;

(7) Three other associate circuit judges elected for three-year terms by the associate circuit judges of the state;

(8) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(9) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners.

Members of the executive council on August 28, [1993] **2002**, shall serve out their terms and their replacements shall be elected under the provisions of this section. **Vacancies shall be filed for the unexpired term of any member as provided by resolution of the judicial conference.**

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of [section] **sections 210.104, 577.070 and 577.073**, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

(1) Any violation resulting in personal injury or property damage to another person;

- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges **by sending the written notification to the person by ordinary first class United States mail at the address of record shown on the offense citation.** The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

- (1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;
- (2) That the person must respond to the notice of violation by paying the prescribed fine

and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, RSMo, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and

surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

(1) [Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

(2)] Ten dollars for maintaining child support enforcement records, pursuant to section 452.345, RSMo;

[(3)] (2) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618, RSMo;

[(4)] (3) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

[(5)] (4) Seven dollars for the statewide court automation fund, pursuant to section 476.053, RSMo;

[(6)] (5) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

[(7)] (6) Five dollars for small claims court cases where less than one hundred dollars is in dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

[(8)] (7) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

[(9)] (8) Fifteen dollars in misdemeanor cases where there is no application for trial de novo, pursuant to section 483.530, RSMo;

[(10)] (9) Forty-five dollars for applications for a trial de novo for misdemeanor cases, pursuant to section 483.530, RSMo;

[(11)] (10) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section 483.530, RSMo;

[(12)] (11) Thirty dollars for each information or indictment filed in felony cases, pursuant to section 483.530, RSMo;

[(13)] (12) Fifteen dollars for each associate circuit court case filed[, and one dollar for each additional summons issued in such cases,] pursuant to section 483.530, RSMo;

[(14)] (13) Forty-five dollars for applications for trial de novo from small claims court and associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530, RSMo;

[(15)] (14) One dollar and fifty cents for a certificate of naturalization, pursuant to section 483.535, RSMo;

[(16)] (15) When letters are applied for in probate proceedings, pursuant to section 483.580, RSMo, when the value of the estate is:

(a) Less than \$10,000 \$75.00

- (b) From \$10,000 to \$25,000 115.00
- (c) From \$25,000 to \$50,000 155.00
- (d) From \$50,000 to 100,000 245.00
- (e) From \$100,000 to \$500,000 305.00
- (f) More than \$500,000 365.00;

[(17)] (16) Thirty dollars for each additional twelve months a decedent's estate remains open, pursuant to section 483.580, RSMo;

[(18)] (17) In proceedings regarding guardianships and conservatorships, pursuant to section 483.580, RSMo:

- (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
- (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
- (c) Sixty dollars for each grant of letters for guardianship of the person and conservatorship of the estate of a minor;
- (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's estate case remains open;
- (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of incapacitated persons and their estates;
- (f) Thirty dollars for each additional twelve months an incapacitated person's case remains open;

[(19)] (18) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section 483.580, RSMo;

[(20)] (19) In probate proceedings, pursuant to section 483.580, RSMo:

- (a) Thirty-five dollars for the collection of small estates;
- (b) Thirty-five dollars for involuntary hospitalization proceedings;
- (c) Thirty dollars for proceedings to determine heirship;
- (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
- (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
- (f) Forty dollars for proceedings to dispense with administration;
- (g) Twenty dollars for proceedings to dispense with conservatorship;
- (h) Twenty-five dollars for admitting a will to probate;
- (i) One dollar per copied page and one dollar and fifty cents per certificate;

[(21)] (20) One dollar and fifty cents per page for testimony transcription, pursuant to section 485.100, RSMo;

[(22)] (21) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;

[(23)] (22) Three dollars for witness fees per day, and four dollars when the witness must travel to another county, pursuant to section 491.280, RSMo.

488.020. Except as otherwise provided by law, all court costs are payable prior to the time the service is rendered; provided that if the amount of such court cost cannot be readily determined, then the clerk shall collect a deposit based upon the likely amount of such court cost, and the balance of such court cost shall be payable immediately upon ascertainment of the proper amount of said court cost. An official may refuse to perform any service in any action or proceeding, other than a criminal proceeding or when costs are waived as provided by law, until the court costs are paid. Failure to collect the court cost shall not affect the validity of the court cost or service. The supreme court may provide by rule for imposition of interest on any court costs not paid within thirty days of when due. If any court cost is not paid when due, the following actions may be taken:

(1) Upon notification by the court or clerk to the party from whom the court cost is due or such party's attorney, and upon the failure to pay the court cost after such notice, the court may dismiss the action or any claim by the defaulting party which is part of the action, without prejudice to the party;

(2) The court may refuse to enter any order or judgment in favor of the defaulting party, or if within the time period allowed by law before the order or judgment is final, may withdraw such order or judgment;

(3) Upon [notification to the party from whom the court cost is due, and upon failure to pay the fee after such notice, the court may inform the office of administration of any delinquencies in excess of twenty-five dollars. Upon receiving such notice, and without further notice by the office of administration to the defaulting party, the office of administration shall deduct the amount of unpaid court costs from any payment by the state to the defaulting party under any provision of law. The office of administration shall transmit the amount set off to the court, and shall send the excess amount to the payee, with a notice that the remainder of the refund was transmitted to the court in satisfaction of all or part of the unpaid court costs. The office of administration and its officials and employees shall not be liable to any person for any action taken in accordance with the requirements of this subdivision. Any proceeding contesting any action taken by a court or the office of administration pursuant to this subdivision shall be brought in the court which certified such unpaid fees to the office of administration, and shall be deemed ancillary to the proceeding for which such unpaid fees were assessed. No appearance, responsive pleading or discovery shall be due from the office of administration in such proceeding except upon order of the court] **an individual's failure to pay court costs or fees, a court may report delinquencies in excess of twenty-five dollars to the office of state courts administrator in order for the office of state courts administrator to seek a setoff of a refund;**

(4) **The office of state courts administrator shall give the department of revenue the information necessary to identify each debtor whose refund is sought to be set off**

and the amount of the debt or debts owed by each such debtor who is entitled to a refund in excess of twenty-five dollars;

(5) The department of revenue shall notify the office of state courts administrator that a refund has been set off on behalf of a court and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department of revenue shall send the excess amount to the debtor within a reasonable time after such excess is determined;

(6) The department of revenue shall notify the debtor by mail that a setoff has been sought. The notice shall contain the following:

(a) The name of the debtor;

(b) The manner in which the debt arose;

(c) The amount of the claimed debt and the department's intention to set off the refund against the debt;

(d) The amount, if any, of the refund due after setoff of the refund against the debt; and

(e) The right of the debtor to apply in writing to the court originally requesting setoff for review of the setoff on the grounds that the debt was previously satisfied;

(7) In the case of a joint or combined return, the notice sent by the department of revenue shall contain the name of the nonobligated taxpayer named in the return, if any, against whom no debt is claimed. The notice shall state that as to the nonobligated taxpayer that no debt is owed and that the taxpayer is entitled to a refund regardless of the debt owed by such other person or persons named on the joint or combined return. The nonobligated taxpayer may seek a refund as provided in section 143.787, RSMo;

(8) Any debtor applying to a court for review of the setoff must file a written application with the court within thirty days of the date of mailing of the notice and send a copy of the application to the office of state courts administrator. The application for review of the setoff shall contain the name of the debtor, the case name and number in which the debt arose, and the grounds for review. The court may upon application, or on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action and the only matter for determination is whether the refund setoff was appropriate because the debt was unsatisfied at the time application for setoff was sent to the office of state courts administrator and remains unsatisfied;

(9) Upon receipt of funds transferred from the department of revenue to the

office of state courts administrator pursuant to a refund setoff, the state courts administrator shall deposit such funds in the state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds shall be credited to the escrow account and used to offset administrative expenses. If a debtor files with a court an application for review, the state courts administrator shall hold such sums in question until directed by that court to release the funds. If no application for review is filed, the state courts administrator shall, within forty-five days of receipt of funds from the department, send to the clerk of the court in which the debt arose such sums as are collected by the department of revenue for credit to the debtor's account;

[(4)] (10) Upon notification to the party from whom the fee is due, a failure to pay the fee after such notice, and a showing of the party's ability to pay the fee, the court may hold the party in contempt.

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].

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.

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] **pleads guilty or is found guilty** of [violating] **a nonfelony violation of** any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, **a fee of twenty-five dollars shall be assessed** in all misdemeanor cases otherwise provided by law **in which the defendant pleads guilty or is found guilty**, and **a fee of seventy-five dollars shall be assessed** 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] **in which the defendant pleads guilty or is found guilty**, 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.

488.5021. 1. In addition to any other assessment authorized by law, a court may assess a fee of twenty dollars on each person who pays a court ordered penalty, fine or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments. A time payment basis shall be any penalty, fine or sanction not paid, in full, within thirty days of the date the court imposed the fine, penalty or sanction. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Eight dollars of the time payment fee collected pursuant to this section shall be payable to the clerk of the court of the county from which such fee was 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 court en banc of any such county to be utilized by the court to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve case processing, enhance court security or to improve the administration of justice. Seven dollars of the time payment fee shall be deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Five dollars of the time payment fee shall be deposited in the drug court resources fund pursuant to section 478.009, RSMo.

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 and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1 of this section** 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] **subsection 1 of this section**.

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 **this** 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 **this** 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 **this** 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 **this** 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] **proceedings** immediately [after conviction] **upon a plea of guilty or a finding of guilt** 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 **this** 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.

491.300. 1. Interpreters and translators in civil and criminal cases shall be allowed a reasonable fee approved by the court.

2. Such fee shall be payable by the state in criminal cases, **juvenile proceedings and in domestic violence actions commenced pursuant to sections 455.010 to 455.085, RSMo, and sections 455.500 to 455.538, RSMo,** from funds appropriated to the office of the state courts administrator if the person requiring an interpreter or translator during the court proceeding is a party to or witness in the proceeding.

494.410. 1. The board of jury commissioners shall compile and maintain a list of

potential jurors and their addresses, and shall update such list periodically in a manner to be determined by the board. In compiling this list, to be known as the master jury list, the board of jury commissioners shall consult one or more [public records] **source lists**. The master jury list shall be comprised of not less than five percent of the total population of the county or city not within a county as determined from the last decennial census. In no event shall the master jury list contain less than four hundred names. In compiling the master jury list the board of jury commissioners shall take reasonable measures to avoid duplication of names. The master jury list shall be the result of random selection of names from [public records] **one or more source lists**.

2. Beginning July 1, 2003, the master jury list shall be the result of random selection of names from a minimum of two source lists which shall include, but is not limited to, personal property tax list, voter's registration list and driver's license records. The information furnished by the department of revenue shall not be disclosed except as allowed pursuant to federal law.

3. Whoever has custody, possession, or control of any record used in compiling the master jury list shall make the record available to the board of jury commissioners for inspection, reproduction and copying at all reasonable times.

[3.] **4.** The **names of potential jurors on the** master jury list shall be considered a public record. The master jury list and copies of all records used in compiling the list shall be retained by the board of jury commissioners for at least five years after compilation of the list.

494.415. 1. From time to time and in a manner prescribed by the board of jury commissioners there shall be drawn at random from the master jury list the names or identifying numbers of as many prospective jurors as the court may require. The board of jury commissioners shall cause to be served in a manner prescribed by law for the service of summons or by ordinary mail, as determined by the board, a summons for jury service and a juror qualification form. The juror qualification form shall be approved by the circuit court en banc and shall:

- (1) Contain instructions to fill out and return the form within ten days;
- (2) Contain the prospective juror's declaration that his responses are true to the best of his knowledge; and
- (3) Elicit information concerning the prospective juror's qualifications.

Notarization of the juror qualification form shall not be required. If the prospective juror is unable to fill out the juror qualification form, another person may do it for the prospective juror and shall so indicate and the reason therefor. Any prospective juror who fails to return a completed juror qualification form as instructed may be directed by the board of jury commissioners to appear forthwith to fill out a juror qualification form.

2. If it is determined from an examination of the juror qualification form that a person

is not qualified to serve as a juror, that prospective juror shall be notified in a manner directed by the board of jury commissioners and shall not be required to comply with the summons for jury service. Such names shall be deleted from the master jury list.

3. Upon application by a prospective juror, the jury supervisor or board of jury commissioners, acting in accordance with written guidelines adopted by the circuit court, may postpone that prospective juror's service to a later date.

4. Those prospective jurors not disqualified from jury service shall constitute the qualified jury list. If any prospective juror is later determined to be ineligible or disqualified, such name shall be deleted from the qualified jury list and the master jury list.

5. The qualified jury list shall only be disclosed pursuant to local court rule.

494.420. 1. Those persons constituting the qualified jury list, when summoned, shall be placed under the control and supervision of the sheriff or other person designated by the board of jury commissioners in a designated area to be provided in the courthouse.

2. Whenever a judge of the circuit court shall require a panel of jurors for jury service, he shall designate the number of jurors required. This number of jurors shall be randomly selected in a manner specified by the board of jury commissioners from the qualified jury list.

3. The petit jury list shall only be disclosed pursuant to local court rule.

511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any **division of the** circuit court [and any probate division of the circuit court], except judgments and decrees rendered by [associate.] small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are rendered, situate in the county for which or in which the court is held. **Judgments entered by the associate division of the circuit court which are entitled to a trial de novo pursuant to section 512.180, RSMo, shall be a lien upon final judgment if an application is not filed or, alternatively, upon final judgment of the trial de novo if an application is filed.**

2. [Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151, RSMo.

3.] Judgments and decrees rendered by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

511.510. It shall be the duty of [each of the circuit] **the** clerks **of any division of the circuit court to**, within five days after the rendition of any final judgment in their respective courts, [to] enter an abstract of such judgment in the record as required in section 511.500; and [each circuit] **the** clerk shall immediately enter the same when the abstract aforesaid shall be

furnished to such clerk by any party interested, or such party's agent; and each of the clerks and their sureties shall be respectively liable for any damage occasioned by any neglect to perform the duties hereby required of them respectively; and it is further provided, that whenever any personal representative, guardian or conservator, or any party interested, or such party's agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment may be recorded a receipt or certificate of the proper officer, stating that such judgment has been duly satisfied, then the [circuit] clerk shall, without further fee, enter satisfaction of such judgment in such clerk's office in the record as required in section 511.500.

517.151. From **entry of** the [time of filing the transcript] **judgment**, every such judgment shall have the same lien on the real estate of the defendant in the county as is given judgments rendered by circuit judges. [The circuit clerk shall collect fees in such amounts as are determined pursuant to sections 488.010 to 488.020, RSMo, for each transcript filed.] The revival of any such lien upon real estate shall be under the same procedures as with judgments originally rendered by a circuit judge, shall be made from the record of the transcribed judgment so filed in the office of circuit clerk, and may be revived under proceedings before either a circuit or an associate circuit judge. The foregoing provisions shall not apply with respect to any judgment of a small claims court nor shall any judgment of a small claims court be a lien upon real estate.

577.051. 1. A record of the [final] disposition in any court proceeding involving a violation of any of the provisions of sections 577.005 to 577.023, or violation of county or municipal ordinances involving alcohol- or drug-related driving offenses, [pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences and sentences of confinement] shall be forwarded to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, within fifteen days by the clerk of the court in which the proceeding was held and shall be entered by the highway patrol or department of revenue in the Missouri uniform law enforcement system records. **Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement and any other such dispositions that may be required under state or federal regulations.** The record forwarded by the clerk shall clearly show the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto.

2. All records received by the Missouri state highway patrol or the department of revenue under the provisions of this section shall be entered in the Missouri uniform law enforcement system records and maintained by the Missouri state highway patrol. Records placed in the

Missouri uniform law enforcement system under the provisions of this section shall be made available to any law enforcement officer in this state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or state court upon request.

3. Any person required by this section to furnish records to the Missouri state highway patrol or department of revenue who willfully refuses to furnish such records shall be guilty of a class C misdemeanor.

4. Records required to be filed with the Missouri state highway patrol or the department of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July 1, 1983.

5. Forms and procedures for filing of records with the Missouri state highway patrol or department of revenue as required in this chapter shall be promulgated by the director of the department of public safety or department of revenue, as applicable, and approved by the Missouri supreme court.

6. All record-keeping procedures required under the provisions of sections 577.005 to 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary notwithstanding.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents 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 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 seven dollars and fifty cents shall be assessed 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, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts

of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall

determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars [if the conviction is] **upon a plea of guilty or finding of guilt** for a class A or B felony; forty-six dollars [if the conviction is] **upon a plea of guilty or finding of guilt** for a class C or D felony; and ten dollars [if the conviction is] **upon a plea of guilty or finding of guilt** for any misdemeanor under [the following] Missouri [laws]:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;

- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses]

law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo, relating to watercraft regulation and licensing, and chapter 307, relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. [The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection 15 of this section.

11.] The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [18] **15** of this section and shall maintain separate records of collection for alcohol-related offenses.

[12. Notwithstanding any other provision of law to the contrary, the provisions of subsections 9 and 10 of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

13.] **10.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[14.] **11.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be

subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[15.] **12.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[16.] **13.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[17.] **14.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[18.] **15.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

[57.290. 1. Sheriffs, county marshals or other officers shall be allowed a charge 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 subsection 1 of this section 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 subsection 1 of this section.

3. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county 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 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 receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section 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 this section 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, 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 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 this section 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 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 this section for every mile necessarily traveled in going to and returning from the nearest depot on said 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, RSMo; 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 this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.]

[67.133. 1. A fee of ten dollars shall be assessed in all cases in which the defendant is convicted of a nonfelony violation of 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 this section shall be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, 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 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.]

[455.508. 1. Except as provided under section 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition to the court. The clerk shall advise the petitioner of his right to file a motion and

affidavit to sue in forma pauperis pursuant to the Missouri Rules of Civil Procedure. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices. The location of the office where a petition can be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants. The supreme court may promulgate rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall provide forms for petitions and written instructions on filling out all forms and pleadings necessary for the presentation of the petition to the court.

2. The clerk shall immediately notify the guardian ad litem or court-appointed special advocate of appointment and shall provide the guardian ad litem or court-appointed special advocate with a copy of the petition for the order of protection for the child. The clerk shall provide the guardian ad litem or court-appointed special advocate with the names, addresses and telephone numbers of the parties within twenty-four hours of entry of the order appointing the guardian ad litem or court-appointed special advocate.]

[478.725. When any person is, by the statutes of this state, entitled to a lien for performing any work or labor upon or furnishing any materials, fixtures, engine, boiler or machinery for any building, erection or improvement upon land, or for repairing the same, in Mason or Miller townships, in Marion County, under or by virtue of any contract with the owner or proprietor thereof, or his agent, trustee, contractor or subcontractor, and such person so entitled to such lien, wishing to avail himself of the benefit of said laws, shall file his lien in the office of the clerk of district number 2 of the Marion County circuit court, and not elsewhere.]

[517.141. On demand of any person interested therein, whether by assignment or otherwise, every clerk or officer who shall be in possession of the record of judgment shall give to such person a certified transcript of such judgment. Upon production of any such transcript, the clerk of the circuit court of the county in which the judgment was rendered shall record the same in his permanent record of circuit court judgments, and note therein the date and hour of its filing.]