

FIRST REGULAR SESSION

# SENATE BILL NO. 337

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time February 10, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1515S.011

## AN ACT

To repeal sections 483.537 and 483.550, RSMo, and to enact in lieu thereof one new section relating to collection of passport fees.

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

Section A. Sections 483.537 and 483.550, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 483.550, to read as follows:

483.550. 1. Each circuit clerk, or person fulfilling the duties of the circuit clerk pursuant to this chapter, however denominated, shall charge, collect, and be the responsible clerk for every court cost accruing to such clerk's office to which such clerk may be entitled under the law, except that the circuit clerk shall not be accountable or responsible for or under a duty to collect the following court costs:

- (1) Court costs in a case pending in the probate division of the circuit court;
- (2) Court costs in a case while it pends in a municipal division of the circuit court, in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo;
- (3) Court costs in a case which was originally filed and pends before an associate circuit judge; provided, however, that such exception with respect to cases filed and pending before an associate circuit judge shall not apply (a) in the city of St. Louis and (b) when by local circuit court rule it is provided that cases which are to be heard by associate circuit judges shall be centrally filed and final judgments therein maintained in an office which is operated and staffed by the circuit clerk and such clerk's deputies;
- (4) Fees to which he is entitled for services performed in preparing or completing passport applications, which fees may be retained by the circuit clerk.

2. Each chief division clerk for the probate division of the circuit court shall charge

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

and collect every court cost accruing to the probate division of the circuit court to which it may be entitled under the law.

3. In divisions presided over by associate circuit judges for which the circuit clerk is not responsible for collecting court costs as hereinabove provided, the associate circuit judge shall designate by order entered of record a division clerk who shall be responsible for the collection of all court costs with respect to cases in the division; or if there be a centralized filing and docketing system for two or more divisions presided over by an associate circuit judge, then a division clerk or clerks shall be designated in accordance with the provisions of local circuit court rule by an order which shall be entered of record, and if there be no such rule adopted, then a majority of the associate circuit judges being served shall designate a division clerk or clerks who shall be responsible for the collection of all court costs with respect to cases in the divisions served by the centralized filing and docketing system.

4. Notwithstanding the provisions of subsections 1, 2 and 3 of this section, by vote of all judges, circuit and associate circuit, of a circuit court, en banc, the circuit court may adopt a system by local circuit rule whereby the circuit clerks within the circuit shall have administrative control over and be responsible for the charging and collection of all court costs accruing to the court other than court costs in a case while it pends in the municipal divisions of the circuit court, in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo. The chief division clerk for the probate divisions of the circuit court may be designated by the local circuit rule to charge and collect every court cost accruing to the probate divisions of the circuit court to which it may be entitled under the law, under the supervision of the circuit clerk.

5. The responsible clerks shall make periodic reports of delinquent court costs which are due at such times and in such form as may be required by the state courts administrator.

6. It shall be the duty of each prosecuting attorney when such be referred to such prosecuting attorney by the responsible clerk to reasonably attempt to collect such delinquent court costs. In the case of delinquent court costs which are payable to the state, it shall be the duty of each prosecuting attorney, and the attorney general when such be referred to the attorney general by the state courts administrator to reasonably attempt to collect such delinquent court costs.

[483.537. The clerk of any state court who, by deputy or otherwise, takes or processes applications for passports or their renewal shall account for the fees charged for such service, and remit eighty percent of the same on the last day of each month to the state, and twenty percent to the county where the application was taken.]