

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 265
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 18, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0724S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions and an expiration date.

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

Section A. Section 476.055, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 476.055, to read as follows:

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, RSMo, as well as gifts, contributions, devises, bequests, and grants
4 received relating to automation of judicial record keeping, and moneys received
5 by the judicial system for the dissemination of information and sales of
6 publications developed relating to automation of judicial record keeping, shall be
7 credited to the fund. Moneys credited to this fund may only be used for the
8 purposes set forth in this section and as appropriated by the general
9 assembly. Any unexpended balance remaining in the statewide court automation
10 fund at the end of each biennium shall not be subject to the provisions of section
11 33.080, RSMo, requiring the transfer of such unexpended balance to general
12 revenue; except that, any unexpended balance remaining in the fund on
13 September 1, [2009] **2013**, shall be transferred to general revenue.

14 2. The statewide court automation fund shall be administered by a court
15 automation committee consisting of the following: the chief justice of the supreme
16 court, a judge from the court of appeals, four circuit judges, four associate circuit
17 judges, four employees of the circuit court, the commissioner of administration,
18 two members of the house of representatives appointed by the speaker of the

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

19 house, two members of the senate appointed by the president pro tem of the
20 senate and two members of the Missouri Bar. The judge members and employee
21 members shall be appointed by the chief justice. The commissioner of
22 administration shall serve ex officio. The members of the Missouri Bar shall be
23 appointed by the board of governors of the Missouri Bar. Any member of the
24 committee may designate another person to serve on the committee in place of the
25 committee member.

26 3. The committee shall develop and implement a plan for a statewide
27 court automation system. The committee shall have the authority to hire
28 consultants, review systems in other jurisdictions and purchase goods and
29 services to administer the provisions of this section. The committee may
30 implement one or more pilot projects in the state for the purposes of determining
31 the feasibility of developing and implementing such plan. The members of the
32 committee shall be reimbursed from the court automation fund for their actual
33 expenses in performing their official duties on the committee.

34 4. Any purchase of computer software or computer hardware that exceeds
35 five thousand dollars shall be made pursuant to the requirements of the office of
36 administration for lowest and best bid. Such bids shall be subject to acceptance
37 by the office of administration. The court automation committee shall determine
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to
40 change any operating system in such court, unless the committee provides all
41 necessary personnel, funds and equipment necessary to effectuate the required
42 changes. No judicial circuit or county may be reimbursed for any costs incurred
43 pursuant to this subsection unless such judicial circuit or county has the approval
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be
46 implemented, operated and maintained in accordance with strict standards for
47 the security and privacy of confidential judicial records. Any person who
48 knowingly releases information from a confidential judicial record is guilty of a
49 class B misdemeanor. Any person who, knowing that a judicial record is
50 confidential, uses information from such confidential record for financial gain is
51 guilty of a class D felony.

52 7. On the first day of February, May, August and November of each year,
53 the court automation committee shall file a report on the progress of the
54 statewide automation system with the joint legislative committee on court

55 automation. Such committee shall consist of the following:

- 56 (1) The chair of the house budget committee;
- 57 (2) The chair of the senate appropriations committee;
- 58 (3) The chair of the house judiciary committee;
- 59 (4) The chair of the senate judiciary committee;
- 60 (5) One member of the minority party of the house appointed by the
- 61 speaker of the house of representatives; and
- 62 (6) One member of the minority party of the senate appointed by the
- 63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed

65 from the court automation fund for their actual expenses incurred in the

66 performance of their official duties as members of the joint legislative committee

67 on court automation.

68 9. Section 488.027, RSMo, shall expire on September 1, ~~[2009]~~ **2013**. The

69 court automation committee established pursuant to this section may continue to

70 function until completion of its duties prescribed by this section, but shall

71 complete its duties prior to September 1, ~~[2011]~~ **2015**.

72 10. This section shall expire on September 1, ~~[2011]~~ **2015**.

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