

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 42

AN ACT

To repeal sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, and 590.205 as truly agreed to and finally passed by the first regular session of the ninety-seventh general assembly in senate committee substitute for house committee substitute for house bill no. 436, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement agencies.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 57.010, 57.104, 221.070, 313.321,  
2           488.5028, 488.5320, and 590.205 as truly agreed to and finally  
3           passed by the first regular session of the ninety-seventh general  
4           assembly in senate committee substitute for house committee  
5           substitute for house bill no. 436, RSMo, are repealed and nine  
6           new sections enacted in lieu thereof, to be known as sections  
7           57.010, 57.104, 221.070, 221.102, 313.321, 488.5028, 488.5029,  
8           488.5320, and 590.205, to read as follows:

9           57.010. 1. At the general election to be held in 1948, and  
10          at each general election held every four years thereafter, the  
11          voters in every county in this state shall elect some suitable

1 person sheriff. No person shall be eligible for the office of  
2 sheriff who has been convicted of a felony. Such person shall be  
3 a resident taxpayer and elector of said county, shall have  
4 resided in said county for more than one whole year next before  
5 filing for said office and shall be a person capable of efficient  
6 law enforcement. When any person shall be elected sheriff, such  
7 person shall enter upon the discharge of the duties of such  
8 person's office as chief law enforcement officer of that county  
9 on the first day of January next succeeding said election.

10 2. [Beginning January 1, 2003, any] No person shall be  
11 eligible for the office of sheriff who does not hold a valid  
12 peace officer license pursuant to chapter 590 [shall refrain from  
13 personally executing any of the police powers of the office of  
14 sheriff, including but not limited to participation in the  
15 activities of arrest, detention, vehicular pursuit, search and  
16 interrogation. Nothing in this section shall prevent any sheriff  
17 from administering the execution of police powers through duly  
18 commissioned deputy sheriffs]. Any person filing for the office  
19 of sheriff shall have a valid peace officer license at the time  
20 of filing for office. This subsection shall not apply[:

21 (1) During the first twelve months of the first term of  
22 office of any sheriff who is eligible to become licensed as a  
23 peace officer and who intends to become so licensed within twelve  
24 months after taking office, except this subdivision shall not be  
25 effective beginning January 1, 2010; or

26 (2)] to the sheriff of any county of the first  
27 classification with a charter form of government with a  
28 population over nine hundred thousand or of any city not within a

1 county.

2       57.104. 1. The sheriff of any county [of the first  
3 classification not having a charter form of government], except a  
4 county with a charter form of government, may employ an attorney  
5 at law to aid and advise him in the discharge of his duties and  
6 to represent him in court. The sheriff shall set the  
7 compensation for an attorney hired pursuant to this section  
8 within the allocation made by the county commission to the  
9 sheriff's department for compensation of employees to be paid out  
10 of the general revenue fund of the county.

11       2. The attorney employed by a sheriff pursuant to  
12 subsection 1 of this section shall be employed at the pleasure of  
13 the sheriff.

14       221.070. 1. Every person who shall be committed to the  
15 common jail within any county in this state, by lawful authority,  
16 for any offense or misdemeanor, upon a plea of guilty or a  
17 finding of guilt for such offense, shall bear the expense of  
18 carrying him or her to said jail, and also his or her support  
19 while in jail, before he or she shall be discharged; and the  
20 property of such person shall be subjected to the payment of such  
21 expenses, and shall be bound therefor, from the time of his  
22 commitment, and may be levied on and sold, from time to time,  
23 under the order of the court having criminal jurisdiction in the  
24 county, to satisfy such expenses.

25       2. If a person has not paid all money owed to the county  
26 jail upon release from custody and has failed to enter into, or  
27 honor an agreement with the sheriff to make payments toward such  
28 debt according to a repayment plan, the sheriff may certify to

1 the clerk of the court in which the case was determined the  
2 amount of the outstanding debt. The circuit clerk shall report  
3 to the office of state courts administrator the debtor's full  
4 name, date of birth, address, and the amount the debtor owes to  
5 the county jail. If the person subsequently satisfies the debt  
6 to the county jail or begins making regular payments in  
7 accordance with an agreement entered into with the sheriff, the  
8 sheriff shall notify the circuit clerk who shall then notify the  
9 state courts administrator that the person shall no longer be  
10 considered delinquent.

11 221.102. 1. The sheriff of any county may establish and  
12 operate a canteen or commissary in the county jail for the use  
13 and benefit of the inmates, prisoners, and detainees.

14 2. Each county jail shall keep revenues received from its  
15 canteen or commissary in a separate account. The acquisition  
16 cost of goods sold and other expenses shall be paid from this  
17 account. A minimum amount of money necessary to meet cash flow  
18 needs and current operating expenses may be kept in this account.  
19 The remaining funds from sales of each canteen or commissary  
20 shall be deposited into the "Inmate Prisoner Detainee Security  
21 Fund" and shall be expended for the purposes provided in  
22 subsection 3 of section 488.5026. The provisions of section  
23 33.080 to the contrary notwithstanding, the money in the inmate  
24 prisoner detainee security fund shall be retained for the  
25 purposes specified in section 488.5026 and shall not revert or be  
26 transferred to general revenue.

27 313.321. 1. The money received by the Missouri state  
28 lottery commission from the sale of Missouri lottery tickets and

1 from all other sources shall be deposited in the "State Lottery  
2 Fund", which is hereby created in the state treasury. At least  
3 forty-five percent, in the aggregate, of the money received from  
4 the sale of Missouri lottery tickets shall be appropriated to the  
5 Missouri state lottery commission and shall be used to fund  
6 prizes to lottery players. Amounts in the state lottery fund may  
7 be appropriated to the Missouri state lottery commission for  
8 administration, advertising, promotion, and retailer  
9 compensation. The general assembly shall appropriate remaining  
10 moneys not previously allocated from the state lottery fund by  
11 transferring such moneys to the general revenue fund. The  
12 lottery commission shall make monthly transfers of moneys not  
13 previously allocated from the state lottery fund to the general  
14 revenue fund as provided by appropriation.

15 2. The commission may also purchase and hold title to any  
16 securities issued by the United States government or its agencies  
17 and instrumentalities thereof that mature within the term of the  
18 prize for funding multi-year payout prizes.

19 3. The "Missouri State Lottery Imprest Prize Fund" is  
20 hereby created. This fund is to be established by the state  
21 treasurer and funded by warrants drawn by the office of  
22 administration from the state lottery fund in amounts specified  
23 by the commission. The commission may write checks and disburse  
24 moneys from this fund for the payment of lottery prizes only and  
25 for no other purpose. All expenditures shall be made in  
26 accordance with rules and regulations established by the office  
27 of administration. Prize payments may also be made from the  
28 state lottery fund. Prize payouts made pursuant to this section

1 shall be subject to the provisions of section 143.781[; and]\_.  
2 Prize payouts made pursuant to this section shall be subject to  
3 set off for:

4 (1) Delinquent child support payments as assessed by a  
5 court of competent jurisdiction or pursuant to section 454.410[.  
6 Prize payouts made under this section shall be subject to set off  
7 for];

8 (2) Unpaid health care services provided by hospitals and  
9 health care providers under the procedure established in section  
10 143.790; and

11 (3) Unpaid debts to a county jail as provided under section  
12 221.070 and pursuant to the procedure established in section  
13 488.5028.

14 4. Funds of the state lottery commission not currently  
15 needed for prize money, administration costs, commissions and  
16 promotion costs shall be invested by the state treasurer in  
17 interest-bearing investments in accordance with the investment  
18 powers of the state treasurer contained in chapter 30. All  
19 interest earned by funds in the state lottery fund shall accrue  
20 to the credit of that fund.

21 5. No state or local sales tax shall be imposed upon the  
22 sale of lottery tickets or shares of the state lottery or on any  
23 prize awarded by the state lottery. No state income tax or local  
24 earnings tax shall be imposed upon any lottery game prizes which  
25 accumulate to an amount of less than six hundred dollars during a  
26 prize winner's tax year. The state of Missouri shall withhold  
27 for state income tax purposes from a lottery game prize or  
28 periodic payment of six hundred dollars or more an amount equal

1 to four percent of the prize.

2 6. The director of revenue is authorized to enter into  
3 agreements with the lottery commission, in conjunction with the  
4 various state agencies pursuant to sections 143.782 to 143.788,  
5 in an effort to satisfy outstanding debts to the state from the  
6 lottery winning of any person entitled to receive lottery  
7 payments which are subject to federal withholding. The director  
8 of revenue is also authorized to enter into agreements with the  
9 lottery commission in conjunction with the department of health  
10 and senior services pursuant to section 143.790 in an effort to  
11 satisfy outstanding debts owed to hospitals and health care  
12 providers for unpaid health care services of any person entitled  
13 to receive lottery payments which are subject to federal  
14 withholding.

15 7. In addition to the restrictions provided in section  
16 313.260, no person, firm, or corporation whose primary source of  
17 income is derived from the sale or rental of sexually oriented  
18 publications or sexually oriented materials or property shall be  
19 licensed as a lottery game retailer and any lottery game retailer  
20 license held by any such person, firm, or corporation shall be  
21 revoked.

22 488.5028. 1. If a person fails to pay court costs, fines,  
23 fees, or other sums ordered by a court, to be paid to the state  
24 or political subdivision, a court may report any such  
25 delinquencies in excess of twenty-five dollars to the office of  
26 state courts administrator and request that the state courts  
27 administrator seek a setoff of an income tax refund. The state  
28 courts administrator shall set guidelines necessary to effectuate

1 the purpose of the offset program. The office of state courts  
2 administrator also shall seek a setoff of any income tax refund  
3 and lottery prize payouts made to a person whose name has been  
4 reported to the office as being delinquent pursuant to section  
5 221.070.

6 2. The office of state courts administrator shall provide  
7 to:

8 (1) The department of revenue [with], the information  
9 necessary to identify each debtor whose refund is sought to be  
10 [setoff] set off and the amount of the debt or debts owed by  
11 [each such] any debtor who is entitled to a tax refund in excess  
12 of twenty-five dollars and any debtor under section 221.070 who  
13 is entitled to a tax refund of any amount; and

14 (2) The state lottery commission, the information necessary  
15 to identify each debtor whose lottery prize payouts are sought to  
16 be set off and the amount of the debt or debts owed by the debtor  
17 under section 221.070.

18 3. The department of revenue shall notify the office of  
19 state courts administrator that a refund has been [setoff] set  
20 off, and the state lottery commission shall notify the office  
21 when a lottery prize payout has been set off, on behalf of a  
22 court [and]. The department or commission shall certify the  
23 amount of such setoff, which shall not exceed the amount of the  
24 claimed debt certified. When the refund owed [exceeds] or  
25 lottery prize payouts exceed the claimed debt, the department of  
26 revenue when a refund is set off, or the state lottery commission  
27 when lottery prizes are set off, shall send the excess amount to  
28 the debtor within a reasonable time after such excess is

1 determined.

2 4. The office of state courts administrator shall notify  
3 the debtor by mail that a setoff has been sought. The notice  
4 shall contain the following:

5 (1) The name of the debtor;

6 (2) The manner in which the debt arose;

7 (3) The amount of the claimed debt and the department's  
8 intention to **[setoff]** set off the refund or the lottery  
9 commission's intention to set off the lottery prize payouts  
10 against the debt;

11 (4) The amount, if any, of the refund or lottery prize  
12 payouts due after setoff **[of the refund]** against the debt; and

13 (5) The right of the debtor to apply in writing to the  
14 court originally requesting setoff for review of the setoff  
15 because the debt was previously satisfied.

16  
17 Any debtor applying to the court for review of the setoff shall  
18 file a written application within thirty days of the date of  
19 mailing of the notice and send a copy of the application to the  
20 office of state courts administrator. The application for review  
21 of the setoff shall contain the name of the debtor, the case name  
22 and number from which the debt arose, and the grounds for review.  
23 The court may upon application, or on its own motion, hold a  
24 hearing on the application. The hearing shall be ancillary to  
25 the original action with the only matters for determination  
26 whether the **[refund]** setoff was appropriate because the debt was  
27 unsatisfied at the time the court reported the delinquency to the  
28 office of state courts administrator and that the debt remains

1     unsatisfied. In the case of a joint or combined return, the  
2     notice sent by the department shall contain the name of the  
3     nonobligated taxpayer named in the return, if any, against whom  
4     no debt is claimed. The notice shall state that as to the  
5     nonobligated taxpayer that no debt is owed and that the taxpayer  
6     is entitled to a refund regardless of the debt owed by such other  
7     person or persons named on the joint or combined return. The  
8     nonobligated taxpayer may seek a refund as provided in section  
9     143.784.

10         5. Upon receipt of funds transferred from the department of  
11     revenue or the state lottery commission to the office of state  
12     courts administrator pursuant to a [refund] setoff, the state  
13     courts administrator shall deposit such funds in the state  
14     treasury to be held in an escrow account, which is hereby  
15     established. Interest earned on those funds shall be credited to  
16     the escrow account and used to offset administrative expenses.  
17     If a debtor files with a court an application for review, the  
18     state courts administrator shall hold such sums in question until  
19     directed by such court to release the funds. If no application  
20     for review is filed, the state courts administrator shall, within  
21     forty-five days of receipt of funds from the department, send to  
22     the clerk of the court in which the debt arose such sums as are  
23     collected by the department of revenue for credit to the debtor's  
24     account.

25         488.5029. 1. After the period provided for a person to  
26     appeal a debt under subsection 6 of this section has expired, and  
27     unless a court, upon review, determines that the delinquent debt  
28     has been satisfied, the office of state courts administrator

1 shall notify the department of conservation of the full name,  
2 date of birth, and address of any person reported by a circuit  
3 court as being delinquent in the payment of money to a county  
4 jail under section 221.070. If a person requests a hearing under  
5 subsection 6 of this section, the state courts administrator  
6 shall wait to send such notification until the court has issued a  
7 decision. When the circuit clerk has notified the state courts  
8 administrator that a person shall no longer be considered  
9 delinquent, the state courts administrator shall notify the  
10 department of such fact. Notification under this subsection may  
11 be on forms or in an electronic format per agreement with the  
12 office of state courts administrator and the department.

13 2. The following procedure shall apply between the office  
14 of state courts administrator and the department of conservation  
15 regarding the suspension of hunting and fishing licenses:

16 (1) The office of state courts administrator shall be  
17 responsible for making the determination of whether an  
18 individual's license should be suspended based on the reasons  
19 specified in section 221.070; and

20 (2) If the office of state courts administrator determines,  
21 after completion of all due process procedures available to an  
22 individual, that an individual's license should be suspended, the  
23 office of state courts administrator shall notify the department  
24 of conservation. The department shall promulgate a rule  
25 consistent with a cooperative agreement between the office of  
26 state courts administrator and the department of conservation  
27 providing that the conservation commission shall refuse to issue  
28 or suspend a hunting or fishing license for any person based on

1 the reasons specified in section 221.070. Such suspension shall  
2 remain in effect until the department is notified by the office  
3 of state courts administrator that such suspension should be  
4 stayed or terminated because the individual is now in compliance  
5 with delinquent payments of money to the county jail.

6 3. Before the office of state courts administrator has  
7 reported the name of any debtor pursuant to this section, the  
8 state courts administrator shall notify the debtor by mail that  
9 his or her name will be forwarded to the department of  
10 conservation. The notice shall contain the following  
11 information:

12 (1) The name of the debtor;

13 (2) The manner in which the debt arose;

14 (3) The amount of the claimed debt;

15 (4) The provisions of this section regarding the issuance  
16 and suspension of a license to hunt or fish; and

17 (5) The right of the debtor to apply in writing to the  
18 court in which the debt originated for review because the debt  
19 was previously satisfied.

20 6. Any debtor applying to the court for review shall file a  
21 written application within thirty days of the date of mailing of  
22 the notice and send a copy of the application to the office of  
23 state courts administrator. The application for review shall  
24 contain the name of the debtor, the case name and number from  
25 which the debt arose, and the grounds for review. The court may  
26 upon application, or on its own motion, hold a hearing on the  
27 application. The hearing shall be ancillary to the original  
28 action with the only matters for determination to be whether the

1 debt was unsatisfied at the time the court reported the  
2 delinquency to the office of state courts administrator and that  
3 the debt remains unsatisfied.

4 488.5320. 1. Sheriffs, county marshals or other officers  
5 shall be allowed a charge for their services rendered in criminal  
6 cases and in all proceedings for contempt or attachment, as  
7 required by law, the sum of seventy-five dollars for each felony  
8 case or contempt or attachment proceeding, ten dollars for each  
9 misdemeanor case, and six dollars for each infraction,  
10 [excluding] including cases disposed of by a [traffic] violations  
11 bureau established pursuant to law or supreme court rule. Such  
12 charges shall be charged and collected in the manner provided by  
13 sections 488.010 to 488.020 and shall be payable to the county  
14 treasury; except that, those charges from cases disposed of by a  
15 violations bureau shall be distributed as follows: one-half of  
16 the charges collected shall be forwarded and deposited to the  
17 credit of the MODEX fund established in subsection 6 of this  
18 section for the operational cost of the Missouri data exchange  
19 (MODEX) system, and one-half of the charges collected shall be  
20 deposited to the credit of the inmate security fund, established  
21 in section 488.5026, of the county or municipal political  
22 subdivision from which the citation originated. If the county or  
23 municipal political subdivision has not established an inmate  
24 security fund, all of the funds shall be deposited in the MODEX  
25 fund.

26 2. Notwithstanding subsection 1 of this section to the  
27 contrary, sheriffs, county marshals, or other officers in any  
28 county with a charter form of government and with more than nine

1 hundred fifty thousand inhabitants or in any city not within a  
2 county shall not be allowed a charge for their services rendered  
3 in cases disposed of by a violations bureau established pursuant  
4 to law or supreme court rule.

5       3. The sheriff receiving any charge pursuant to subsection  
6 1 of this section shall reimburse the sheriff of any other county  
7 or the city of St. Louis the sum of three dollars for each  
8 pleading, writ, summons, order of court or other document served  
9 in connection with the case or proceeding by the sheriff of the  
10 other county or city, and return made thereof, to the maximum  
11 amount of the total charge received pursuant to subsection 1 of  
12 this section.

13       [3.] 4. The charges provided in subsection 1 of this  
14 section shall be taxed as other costs in criminal proceedings  
15 immediately upon a plea of guilty or a finding of guilt of any  
16 defendant in any criminal procedure. The clerk shall tax all the  
17 costs in the case against such defendant, which shall be  
18 collected and disbursed as provided by sections 488.010 to  
19 488.020; provided, that no such charge shall be collected in any  
20 proceeding in any court when the proceeding or the defendant has  
21 been dismissed by the court; provided further, that all costs,  
22 incident to the issuing and serving of writs of scire facias and  
23 of writs of fieri facias, and of attachments for witnesses of  
24 defendant, shall in no case be paid by the state, but such costs  
25 incurred under writs of fieri facias and scire facias shall be  
26 paid by the defendant and such defendant's sureties, and costs  
27 for attachments for witnesses shall be paid by such witnesses.

28       [4.] 5. 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.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved

1 list unless such instructor, training center, or training program  
2 meets all of the POST commission requirements under this section  
3 and section 590.200. The director shall make this approved list  
4 available to every school district in the state. The required  
5 training to become a school protection officer shall be provided  
6 by those firearm instructors, private and public, who have  
7 successfully completed a department of public safety POST  
8 certified law enforcement firearms instructor school.

9       3. Each person seeking entrance into a school protection  
10 officer training center or training program shall submit a  
11 fingerprint card and authorization for a criminal history  
12 background check to include the records of the Federal Bureau of  
13 Investigation to the training center or training program where  
14 such person is seeking entrance. The training center or training  
15 program shall cause a criminal history background check to be  
16 made and shall cause the resulting report to be forwarded to the  
17 school district where the elementary school teacher or  
18 administrator is seeking to be designated as a school protection  
19 officer.

20       4. No person shall be admitted to a school protection  
21 officer training center or training program unless such person  
22 submits proof to the training center or training program that he  
23 or she has a valid concealed carry endorsement.

24       5. A certificate of school protection officer training  
25 program completion may be issued to any applicant by any approved  
26 school protection officer training instructor. On the  
27 certificate of program completion the approved school protection  
28 officer training instructor shall affirm that the individual

1 receiving instruction has taken and passed a school protection  
2 officer training program that meets the requirements of this  
3 section and section 590.200 and that the individual has a valid  
4 concealed carry endorsement. The instructor shall also provide a  
5 copy of such certificate to the director of the department of  
6 public safety.

7 [590.205. 1. The POST commission shall establish  
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17 meets all of the POST commission requirements under  
18 this section and section 590.200. The director shall  
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20 district in the state.

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25 records of the Federal Bureau of Investigation to the  
26 training center or training program where such person  
27 is seeking entrance. The training center or training  
28 program shall cause a criminal history background check  
29 to be made and shall cause the resulting report to be  
30 forwarded to the school district where the elementary  
31 school teacher or administrator is seeking to be  
32 designated as a school protection officer.

33 4. No person shall be admitted to a school  
34 protection officer training center or training program  
35 unless such person submits proof to the training center  
36 or training program that he or she has a valid  
37 concealed carry endorsement.

38 5. A certificate of school protection officer  
39 training program completion may be issued to any  
40 applicant by any approved school protection officer  
41 training instructor. On the certificate of program  
42 completion the approved school protection officer  
43 training instructor shall affirm that the individual  
44 receiving instruction has taken and passed a school  
45 protection officer training program that meets the  
46 requirements of this section and section 590.200 and

that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate.]

✓

Brian Munzlinger

Caleb Jones, 50