

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 245

AN ACT

To repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

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

1 Section A. Section 514.040, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 514.040,
3 to read as follows:

4 514.040. 1. Except as provided in subsection 3 of this
5 section, if any court shall, before or after the commencement of
6 any suit pending before it, be satisfied that the plaintiff is a
7 poor person, and unable to prosecute his or her suit, and pay all
8 or any portion of the costs and expenses thereof, such court may,
9 in its discretion, permit him or her to commence and prosecute
10 his or her action as a poor person, and thereupon such poor
11 person shall have all necessary process and proceedings as in
12 other cases, without fees, tax or charge as the court determines
13 the person cannot pay; and the court may assign to such person
14 counsel, who, as well as all other officers of the court, shall
15 perform their duties in such suit without fee or reward as the
16 court may excuse; but if judgment is entered for the plaintiff,
17 costs shall be recovered, which shall be collected for the use of
18 the officers of the court.

19 2. In any civil action brought in a court of this state by

1 any offender convicted of a crime who is confined in any state
2 prison or correctional center, the court shall not reduce the
3 amount required as security for costs upon filing such suit to an
4 amount of less than ten dollars pursuant to this section. This
5 subsection shall not apply to any action for which no sum as
6 security for costs is required to be paid upon filing such suit.

7 3. Where a party is represented in a civil action by a
8 legal aid society or a legal services or other nonprofit
9 organization funded in whole or substantial part by moneys
10 appropriated by the general assembly of the state of Missouri,
11 which has as its primary purpose the furnishing of legal services
12 to indigent persons, or by a law school clinic which has as its
13 primary purpose educating law students through furnishing legal
14 services to indigent persons, or by private counsel working on
15 behalf of or under the auspices of such society, all costs and
16 expenses related to the prosecution of the suit may be waived
17 without the necessity of a motion and court approval, provided
18 that a determination has been made by such society or
19 organization that such party is unable to pay the costs, fees and
20 expenses necessary to prosecute or defend the action, and that a
21 certification that such determination has been made is filed with
22 the clerk of the court.