

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 45**  
**97TH GENERAL ASSEMBLY**

0055H.05C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 56.807, 487.020, 488.026, and 488.426, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

---

---

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

Section A. Sections 56.807, 487.020, 488.026, and 488.426, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 56.807, 487.020, 488.026, and  
3 488.426, to read as follows:

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August  
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2  
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,  
5 each county treasurer shall pay to the system the following amounts to be drawn from the general  
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision  
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and sixty-  
10 seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363  
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-  
15 seven cents.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           3. Beginning August 28, 1989, and continuing until August 27, 2003, the county  
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the  
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting  
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys  
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days  
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'  
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840  
23 and for no other purpose.

24           4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys  
25 provided for in this section shall be paid from county or city funds and the surcharge established  
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27           5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the  
28 following amounts to be drawn from the general revenues of the county:

29           **[(1)] (a)** For counties of the third and fourth classification except as provided in  
30 **[subdivision (3)] paragraph (c)** of this **[subsection] subdivision**, one hundred eighty-seven  
31 dollars;

32           **[(2)] (b)** For counties of the second classification, two hundred seventy-one dollars;

33           **[(3)] (c)** For counties of the first classification, counties which pursuant to section 56.363  
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37           **(2) Beginning August 28, 2013, the county contribution set forth in paragraphs (a)**  
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**  
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**  
40 **annual actuarial valuation report. If the system's funding ratio is:**

41           **(a) One hundred twenty percent or more, no monthly sum shall be transmitted;**

42           **(b) More than one hundred ten percent but less than one hundred twenty percent,**  
43 **the monthly sum transmitted shall be reduced fifty percent;**

44           **(c) At least ninety percent and up to and including one hundred ten percent, the**  
45 **monthly sum transmitted shall remain the same;**

46           **(d) At least eighty percent and less than ninety percent, the monthly sum**  
47 **transmitted shall be increased fifty percent; and**

48           **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**  
49 **hundred percent.**

50           6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the  
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for

52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system  
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund  
54 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other  
55 purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and  
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases  
59 filed in the courts of this state including violation of any county ordinance [or] , any violation  
60 of criminal or traffic laws of this state, including infractions, **and against any person who pled**  
61 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed  
62 when the costs are waived or are to be paid by the state, county, or municipality or when a  
63 criminal proceeding or the defendant has been dismissed by the court [or against any person who  
64 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of  
65 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

66 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
67 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable  
68 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the  
69 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes  
70 provided for in sections 56.800 to 56.840 and for no other purpose.

71 8. The board may accept gifts, donations, grants and bequests from private or public  
72 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

73 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840  
74 unless provided for by law.

487.020. 1. In each circuit or a county having a family court, a majority of the circuit  
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to  
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010  
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court  
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a  
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc  
7 may appoint, in addition to those commissioners serving as commissioners of the juvenile  
8 division and becoming commissioners of the family court pursuant to the provisions of sections  
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and  
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number  
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190  
12 may be appointed only to the extent that the state is reimbursed for the salaries of the  
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by

14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four  
15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition  
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions  
17 classified under section 487.080.

18 2. The circuit [court] **courts** in the eleventh judicial circuit **and in the thirty-first**  
19 **judicial circuit** may, in substitution of [a] **each** family court commissioner currently appointed  
20 pursuant to this section whose salary is reimbursable, appoint [one] **a** family court commissioner  
21 whose compensation shall be payable by the state without necessity of reimbursement. The  
22 provisions of this subsection shall not be construed to allow appointment of a family court  
23 commissioner in **the eleventh judicial circuit in** addition to the number of such family court  
24 commissioners holding office in the eleventh judicial circuit as of January 1, 1999[, and] . **The**  
25 **provisions of this subsection shall not be construed to allow appointment of a family court**  
26 **commissioner in the thirty-first judicial circuit in addition to the number of such family**  
27 **court commissioners holding office in the circuit as of January 1, 2013.** The appointment  
28 of the state-paid commissioner shall be subject to appropriations for such purpose.

29 3. Each commissioner of the family court shall possess the same qualifications as a  
30 circuit judge. The compensation and retirement benefits of each commissioner shall be the same  
31 as that of an associate circuit judge, payable in the same manner and from the same source as that  
32 of an associate circuit judge.

488.026. As provided by section 56.807, there shall be assessed and collected a  
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations  
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including  
4 infractions, **or against any person who pled guilty and paid a fine through a fine collection**  
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by  
6 the state, county, or municipality or when a criminal proceeding or the defendant has been  
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant  
8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"  
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court  
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010  
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'  
12 retirement fund.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may  
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit  
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court  
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are  
5 to be paid by the county or state or any city.

6           2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by  
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **or**  
8 **the circuit court in any circuit that reimburses the state for the salaries of family court**  
9 **commissioners pursuant to section 487.020**, may change the fee to any amount not to exceed  
10 fifteen dollars. The circuit court in Jackson County **or the circuit court in any circuit that**  
11 **reimburses the state for the salaries of family court commissioners pursuant to section**  
12 **487.020** may change the fee to any amount not to exceed twenty dollars. A change in the fee  
13 shall become effective and remain in effect until further changed.

14           3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or  
15 are paid by the county or state or any city.

16           4. In addition to any fee authorized by subsection 1 of this section, any county of the first  
17 classification with more than ninety-three thousand eight hundred but less than ninety-three  
18 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases  
19 concerning adoption and those in small claims court. The provisions of this subsection shall  
20 expire on December 31, 2014.

✓