

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 245

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Offered April 10, 2013.

Senate Substitute adopted, April 10, 2013.

Taken up for Perfection April 10, 2013. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

1182S.02P

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:

Section A. Section 514.040, RSMo, is repealed and one new section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

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

13 2. In any civil action brought in a court of this state by any offender
14 convicted of a crime who is confined in any state prison or correctional center, the
15 court shall not reduce the amount required as security for costs upon filing such
16 suit to an amount of less than ten dollars pursuant to this section. This
17 subsection shall not apply to any action for which no sum as security for costs is

18 required to be paid upon filing such suit.

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

✓

Bill

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