

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 615

AN ACT

To repeal sections 49.272, 452.556, 476.056, 478.320, 478.437, 478.464, 478.513, 478.600, 483.140, 488.012, 488.014, 488.426, 488.607, 550.040, 550.060, 575.153, and 610.021, RSMo, section 476.385 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 476.385 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the administration of justice, with an existing penalty provision, and an emergency clause for certain sections.

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

1 Section A. Sections 49.272, 452.556, 476.056, 478.320,
2 478.437, 478.464, 478.513, 478.600, 483.140, 488.012, 488.014,
3 488.426, 488.607, 550.040, 550.060, 575.153, and 610.021, RSMo,
4 section 476.385 as enacted by conference committee substitute for
5 house committee substitute for senate bill no. 23, ninety-seventh
6 general assembly, first regular session, and section 476.385 as
7 enacted by conference committee substitute for senate substitute
8 for senate committee substitute for house bill no. 683, ninety-
9 fifth general assembly, first regular session, are repealed and

1 twenty-one new sections enacted in lieu thereof, to be known as
2 sections 49.272, 57.095, 452.556, 476.056, 476.385, 478.320,
3 478.437, 478.464, 478.513, 478.600, 478.740, 483.140, 488.012,
4 488.014, 488.426, 488.607, 488.2206, 488.2235, 575.153, 610.021,
5 and 1, to read as follows:

6 49.272. The county commission of any county of the first
7 classification without a charter form of government and with more
8 than one hundred thirty-five thousand four hundred but less than
9 one hundred thirty-five thousand five hundred inhabitants, [and
10 in] any county of the first classification without a charter form
11 of government having a population of at least eighty-two thousand
12 inhabitants, but less than eighty-two thousand one hundred
13 inhabitants, any county of the first classification with more
14 than one hundred four thousand six hundred but fewer than one
15 hundred four thousand seven hundred inhabitants, any county of
16 the first classification with more than one hundred ninety-eight
17 thousand but fewer than one hundred ninety-nine thousand two
18 hundred inhabitants, [and] any county of the first classification
19 with more than two hundred forty thousand three hundred but less
20 than two hundred forty thousand four hundred inhabitants, and any
21 county of the first classification with more than eighty-three
22 thousand but fewer than ninety-two thousand inhabitants and with
23 a home rule city with more than seventy-six thousand but fewer
24 than ninety-one thousand inhabitants as the county seat, which
25 has an appointed county counselor and which adopts or has adopted
26 rules, regulations or ordinances under authority of a statute
27 which prescribes or authorizes a violation of such rules,
28 regulations or ordinances to be a misdemeanor punishable as

1 provided by law, may by rule, regulation or ordinance impose a
2 civil fine not to exceed one thousand dollars for each violation.
3 Any fines imposed and collected under such rules, regulations or
4 ordinances shall be payable to the county general fund to be used
5 to pay for the cost of enforcement of such rules, regulations or
6 ordinances.

7 57.095. Notwithstanding the provisions of section 537.600
8 to the contrary, sheriffs or any other law enforcement officers
9 shall have immunity from any liability, civil or criminal, while
10 conducting service of process at the direction of any court to
11 the extent that the officers' actions do not violate clearly
12 established statutory or constitutional rights of which a
13 reasonable person would have known.

14 452.556. 1. The state courts administrator shall create a
15 handbook or be responsible for the approval of a handbook
16 outlining the following:

17 (1) What is included in a parenting plan;

18 (2) The benefits of the parties agreeing to a parenting
19 plan which outlines education, custody and cooperation between
20 parents;

21 (3) The benefits of alternative dispute resolution;

22 (4) The pro se family access motion for enforcement of
23 custody or temporary physical custody;

24 (5) The underlying assumptions for supreme court rules
25 relating to child support; and

26 (6) A party's duties and responsibilities pursuant to
27 section 452.377, including the possible consequences of not
28 complying with section 452.377. The handbooks shall be

1 distributed to each court and shall be available in an
2 alternative format, including Braille, large print, or electronic
3 or audio format upon request by a person with a disability, as
4 defined by the federal Americans with Disabilities Act.

5 2. Each court shall [mail] provide a copy of the handbook
6 developed pursuant to subsection 1 of this section to each party
7 in a dissolution or legal separation action filed pursuant to
8 section 452.310, or any proceeding in modification thereof, where
9 minor children are involved, or may provide the petitioner with a
10 copy of the handbook at the time the petition is filed and direct
11 that a copy of the handbook be served along with the petition and
12 summons upon the respondent.

13 3. The court shall make the handbook available to
14 interested state agencies and members of the public.

15 476.056. 1. Any city, county, village or other
16 municipality may provide for automation of its municipal court
17 pursuant to subsection 3 of section 476.055, in the manner
18 provided in this section. In order to make such provisions, such
19 municipality must:

20 (1) Adopt an ordinance imposing the surcharge in the amount
21 allowed, and payable in the manner provided, by section [476.053]
22 488.027, and sections 488.010 to 488.020;

23 (2) Enter into an agreement with the state courts
24 administrator for automation of the municipality's court. Such
25 agreement may provide for continuation of the surcharge for a
26 minimum period of time, payable to the fund established by
27 section 476.055, or a special fund established in the state
28 treasury for such purpose upon expiration of section 476.055, for

1 payment of a guaranteed minimum annual amount in the event that
2 payment of such surcharges shall not offset the cost of the
3 automation of the municipality's court; and such other terms as
4 may be agreed on between the municipality and the state courts
5 administrator.

6 2. Notwithstanding the provisions of section [476.053]
7 488.027, the payment of any surcharge provided by this section
8 may continue for a period in excess of that allowed by section
9 [476.053] 488.027 for payment of surcharges in the circuit
10 courts. The provisions of section 33.080 shall not apply to any
11 special fund established pursuant to this section.

12 476.385. 1. The judges of the supreme court may appoint a
13 committee consisting of at least seven associate circuit judges,
14 who shall meet en banc and establish and maintain a schedule of
15 fines to be paid for violations of sections [210.104,] 577.070[,]
16 and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390,
17 with such fines increasing in proportion to the severity of the
18 violation. The associate circuit judges of each county may meet
19 en banc and adopt the schedule of fines and participation in the
20 centralized bureau pursuant to this section. Notice of such
21 adoption and participation shall be given in the manner provided
22 by supreme court rule. Upon order of the supreme court, the
23 associate circuit judges of each county may meet en banc and
24 establish and maintain a schedule of fines to be paid for
25 violations of municipal ordinances for cities, towns and villages
26 electing to have violations of its municipal ordinances heard by
27 associate circuit judges, pursuant to section 479.040; and for
28 traffic court divisions established pursuant to section 479.500.

1 The schedule of fines adopted for violations of municipal
2 ordinances may be modified from time to time as the associate
3 circuit judges of each county en banc deem advisable. No fine
4 established pursuant to this subsection may exceed the maximum
5 amount specified by statute or ordinance for such violation.

6 2. In no event shall any schedule of fines adopted pursuant
7 to this section include offenses involving the following:

8 (1) Any violation resulting in personal injury or property
9 damage to another person;

10 (2) Operating a motor vehicle while intoxicated or under
11 the influence of intoxicants or drugs;

12 (3) Operating a vehicle with a counterfeited, altered,
13 suspended or revoked license;

14 (4) Fleeing or attempting to elude an officer.

15 3. There shall be a centralized bureau to be established by
16 supreme court rule in order to accept pleas of not guilty or
17 guilty and payments of fines and court costs for violations of
18 the laws and ordinances described in subsection 1 of this
19 section, made pursuant to a schedule of fines established
20 pursuant to this section. The centralized bureau shall collect,
21 with any plea of guilty and payment of a fine, all court costs
22 which would have been collected by the court of the jurisdiction
23 from which the violation originated.

24 4. If a person elects not to contest the alleged violation,
25 the person shall send payment in the amount of the fine and any
26 court costs established for the violation to the centralized
27 bureau. Such payment shall be payable to the central violations
28 bureau, shall be made by mail or in any other manner established

1 by the centralized bureau, and shall constitute a plea of guilty,
2 waiver of trial and a conviction for purposes of section 302.302,
3 and for purposes of imposing any collateral consequence of a
4 criminal conviction provided by law. By paying the fine and
5 costs, the person also consents to attendance either online or in
6 person at any driver-improvement program or motorcycle-rider
7 training course ordered by the court and consents to verification
8 of such attendance as directed by the bureau. Notwithstanding
9 any provision of law to the contrary, the prosecutor shall not be
10 required to sign any information, ticket or indictment if
11 disposition is made pursuant to this subsection. In the event
12 that any payment is made pursuant to this section by credit card
13 or similar method, the centralized bureau may charge an
14 additional fee in order to reflect any transaction cost,
15 surcharge or fee imposed on the recipient of the credit card
16 payment by the credit card company.

17 5. If a person elects to plead not guilty, such person
18 shall send the plea of not guilty to the centralized bureau. The
19 bureau shall send such plea and request for trial to the
20 prosecutor having original jurisdiction over the offense. Any
21 trial shall be conducted at the location designated by the court.
22 The clerk of the court in which the case is to be heard shall
23 notify in writing such person of the date certain for the
24 disposition of such charges. The prosecutor shall not be
25 required to sign any information, ticket or indictment until the
26 commencement of any proceeding by the prosecutor with respect to
27 the notice of violation.

28 6. In courts adopting a schedule of fines pursuant to this

1 section, any person receiving a notice of violation pursuant to
2 this section shall also receive written notification of the
3 following:

4 (1) The fine and court costs established pursuant to this
5 section for the violation or information regarding how the person
6 may obtain the amount of the fine and court costs for the
7 violation;

8 (2) That the person must respond to the notice of violation
9 by paying the prescribed fine and court costs, or pleading not
10 guilty and appearing at trial, and that other legal penalties
11 prescribed by law may attach for failure to appear and dispose of
12 the violation. The supreme court may modify the suggested forms
13 for uniform complaint and summons for use in courts adopting the
14 procedures provided by this section, in order to accommodate such
15 required written notifications.

16 7. Any moneys received in payment of fines and court costs
17 pursuant to this section shall not be considered to be state
18 funds, but shall be held in trust by the centralized bureau for
19 benefit of those persons or entities entitled to receive such
20 funds pursuant to this subsection. All amounts paid to the
21 centralized bureau shall be maintained by the centralized bureau,
22 invested in the manner required of the state treasurer for state
23 funds by sections 30.240, 30.250, 30.260 and 30.270, and
24 disbursed as provided by the constitution and laws of this state.
25 Any interest earned on such fund shall be payable to the director
26 of the department of revenue for deposit into a revolving fund to
27 be established pursuant to this subsection. The state treasurer
28 shall be the custodian of the revolving fund, and shall make

1 disbursements, as allowed by lawful appropriations, only to the
2 judicial branch of state government for goods and services
3 related to the administration of the judicial system.

4 8. Any person who receives a notice of violation subject to
5 this section who fails to dispose of such violation as provided
6 by this section shall be guilty of failure to appear provided by
7 section 544.665; and may be subject to suspension of driving
8 privileges in the manner provided by section 302.341. The
9 centralized bureau shall notify the appropriate prosecutor of any
10 person who fails to either pay the prescribed fine and court
11 costs, or plead not guilty and request a trial within the time
12 allotted by this section, for purposes of application of section
13 544.665. The centralized bureau shall also notify the department
14 of revenue of any failure to appear subject to section 302.341,
15 and the department shall thereupon suspend the license of the
16 driver in the manner provided by section 302.341, as if notified
17 by the court.

18 9. In addition to the remedies provided by subsection 8 of
19 this section, the centralized bureau and the courts may use the
20 remedies provided by sections 488.010 to 488.020 for the
21 collection of court costs payable to courts, in order to collect
22 fines and court costs for violations subject to this section.

23
24 [476.385. 1. The judges of the supreme court may
25 appoint a committee consisting of at least seven
26 associate circuit judges, who shall meet en banc and
27 establish and maintain a schedule of fines to be paid
28 for violations of sections 210.104, 577.070, and
29 577.073, and chapters 252, 301, 302, 304, 306, 307 and
30 390, with such fines increasing in proportion to the
31 severity of the violation. The associate circuit
32 judges of each county may meet en banc and adopt the
33 schedule of fines and participation in the centralized

1 bureau pursuant to this section. Notice of such
2 adoption and participation shall be given in the manner
3 provided by supreme court rule. Upon order of the
4 supreme court, the associate circuit judges of each
5 county may meet en banc and establish and maintain a
6 schedule of fines to be paid for violations of
7 municipal ordinances for cities, towns and villages
8 electing to have violations of its municipal ordinances
9 heard by associate circuit judges, pursuant to section
10 479.040; and for traffic court divisions established
11 pursuant to section 479.500. The schedule of fines
12 adopted for violations of municipal ordinances may be
13 modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine
15 established pursuant to this subsection may exceed the
16 maximum amount specified by statute or ordinance for
17 such violation.

18 2. In no event shall any schedule of fines
19 adopted pursuant to this section include offenses
20 involving the following:

21 (1) Any violation resulting in personal injury or
22 property damage to another person;

23 (2) Operating a motor vehicle while intoxicated
24 or under the influence of intoxicants or drugs;

25 (3) Operating a vehicle with a counterfeited,
26 altered, suspended or revoked license;

27 (4) Fleeing or attempting to elude an officer.

28 3. There shall be a centralized bureau to be
29 established by supreme court rule in order to accept
30 pleas of not guilty or guilty and payments of fines and
31 court costs for violations of the laws and ordinances
32 described in subsection 1 of this section, made
33 pursuant to a schedule of fines established pursuant to
34 this section. The centralized bureau shall collect,
35 with any plea of guilty and payment of a fine, all
36 court costs which would have been collected by the
37 court of the jurisdiction from which the violation
38 originated.

39 4. If a person elects not to contest the alleged
40 violation, the person shall send payment in the amount
41 of the fine and any court costs established for the
42 violation to the centralized bureau. Such payment
43 shall be payable to the central violations bureau,
44 shall be made by mail or in any other manner
45 established by the centralized bureau, and shall
46 constitute a plea of guilty, waiver of trial and a
47 conviction for purposes of section 302.302, and for
48 purposes of imposing any collateral consequence of a
49 criminal conviction provided by law. By paying the
50 fine and costs, the person also consents to attendance
51 at any driver-improvement program or motorcycle-rider

1 training course ordered by the court and consents to
2 verification of such attendance as directed by the
3 bureau. Notwithstanding any provision of law to the
4 contrary, the prosecutor shall not be required to sign
5 any information, ticket or indictment if disposition is
6 made pursuant to this subsection. In the event that
7 any payment is made pursuant to this section by credit
8 card or similar method, the centralized bureau may
9 charge an additional fee in order to reflect any
10 transaction cost, surcharge or fee imposed on the
11 recipient of the credit card payment by the credit card
12 company.

13 5. If a person elects to plead not guilty, such
14 person shall send the plea of not guilty to the
15 centralized bureau. The bureau shall send such plea
16 and request for trial to the prosecutor having original
17 jurisdiction over the offense. Any trial shall be
18 conducted at the location designated by the court. The
19 clerk of the court in which the case is to be heard
20 shall notify in writing such person of the date certain
21 for the disposition of such charges. The prosecutor
22 shall not be required to sign any information, ticket
23 or indictment until the commencement of any proceeding
24 by the prosecutor with respect to the notice of
25 violation.

26 6. In courts adopting a schedule of fines
27 pursuant to this section, any person receiving a notice
28 of violation pursuant to this section shall also
29 receive written notification of the following:

30 (1) The fine and court costs established pursuant
31 to this section for the violation or information
32 regarding how the person may obtain the amount of the
33 fine and court costs for the violation;

34 (2) That the person must respond to the notice of
35 violation by paying the prescribed fine and court
36 costs, or pleading not guilty and appearing at trial,
37 and that other legal penalties prescribed by law may
38 attach for failure to appear and dispose of the
39 violation. The supreme court may modify the suggested
40 forms for uniform complaint and summons for use in
41 courts adopting the procedures provided by this
42 section, in order to accommodate such required written
43 notifications.

44 7. Any moneys received in payment of fines and
45 court costs pursuant to this section shall not be
46 considered to be state funds, but shall be held in
47 trust by the centralized bureau for benefit of those
48 persons or entities entitled to receive such funds
49 pursuant to this subsection. All amounts paid to the
50 centralized bureau shall be maintained by the
51 centralized bureau, invested in the manner required of

1 the state treasurer for state funds by sections 30.240,
2 30.250, 30.260 and 30.270, and disbursed as provided by
3 the constitution and laws of this state. Any interest
4 earned on such fund shall be payable to the director of
5 the department of revenue for deposit into a revolving
6 fund to be established pursuant to this subsection.
7 The state treasurer shall be the custodian of the
8 revolving fund, and shall make disbursements, as
9 allowed by lawful appropriations, only to the judicial
10 branch of state government for goods and services
11 related to the administration of the judicial system.

12 8. Any person who receives a notice of violation
13 subject to this section who fails to dispose of such
14 violation as provided by this section shall be guilty
15 of failure to appear provided by section 544.665; and
16 may be subject to suspension of driving privileges in
17 the manner provided by section 302.341. The
18 centralized bureau shall notify the appropriate
19 prosecutor of any person who fails to either pay the
20 prescribed fine and court costs, or plead not guilty
21 and request a trial within the time allotted by this
22 section, for purposes of application of section
23 544.665. The centralized bureau shall also notify the
24 department of revenue of any failure to appear subject
25 to section 302.341, and the department shall thereupon
26 suspend the license of the driver in the manner
27 provided by section 302.341, as if notified by the
28 court.

29 9. In addition to the remedies provided by
30 subsection 8 of this section, the centralized bureau
31 and the courts may use the remedies provided by
32 sections 488.010 to 488.020 for the collection of court
33 costs payable to courts, in order to collect fines and
34 court costs for violations subject to this section.】
35

36 478.320. 1. In counties having a population of thirty
37 thousand or less, there shall be one associate circuit judge. In
38 counties having a population of more than thirty thousand and
39 less than one hundred thousand, there shall be two associate
40 circuit judges. In counties having a population of one hundred
41 thousand or more, there shall be three associate circuit judges
42 and one additional associate circuit judge for each additional
43 one hundred thousand inhabitants.

44 2. 【When the office of state courts administrator indicates

1 in an annual judicial weighted workload model for three
2 consecutive years or more the need for four or more full-time
3 judicial positions in any judicial circuit having a population of
4 one hundred thousand or more, there shall be one additional
5 associate circuit judge position in such circuit for every four
6 full-time judicial positions needed as indicated in the weighted
7 workload model. In a multicounty circuit, the additional
8 associate circuit judge positions shall be apportioned among the
9 counties in the circuit on the basis of population, starting with
10 the most populous county, then the next most populous county, and
11 so forth.

12 3.] For purposes of this section, notwithstanding the
13 provisions of section 1.100, population of a county shall be
14 determined on the basis of the last previous decennial census of
15 the United States; and, beginning after certification of the year
16 2000 decennial census, on the basis of annual population
17 estimates prepared by the United States Bureau of the Census,
18 provided that the number of associate circuit judge positions in
19 a county shall be adjusted only after population estimates for
20 three consecutive years indicate population change in the county
21 to a level provided by subsection 1 of this section.

22 [4.] 3. Except in circuits where associate circuit judges
23 are selected under the provisions of Sections 25(a) to (g) of
24 Article V of the constitution, the election of associate circuit
25 judges shall in all respects be conducted as other elections and
26 the returns made as for other officers.

27 [5.] 4. In counties not subject to Sections 25(a) to (g) of
28 Article V of the constitution, associate circuit judges shall be

1 elected by the county at large.

2 [6.] 5. No associate circuit judge shall practice law, or
3 do a law business, nor shall he or she accept, during his or her
4 term of office, any public appointment for which he or she
5 receives compensation for his or her services.

6 [7.] 6. No person shall be elected as an associate circuit
7 judge unless he or she has resided in the county for which he or
8 she is to be elected at least one year prior to the date of his
9 or her election; provided that, a person who is appointed by the
10 governor to fill a vacancy may file for election and be elected
11 notwithstanding the provisions of this subsection.

12 478.437. [The circuit court of the county of St. Louis,
13 comprising circuit number twenty-one, shall be composed of
14 nineteen divisions and nineteen judges] 1. Beginning in fiscal
15 year 2015, there shall be twenty circuit judges in the twenty-
16 first judicial circuit. These judges shall sit in twenty
17 divisions, and each of the judges shall separately try causes,
18 exercise the powers and perform all the duties imposed upon
19 circuit judges.

20 2. Beginning in fiscal year 2015, there shall be one
21 additional associate circuit judge position in the twenty-first
22 judicial circuit. This associate circuit judgeship shall not be
23 included in the statutory formula for authorizing additional
24 judgeships per county under section 478.320.

25 478.464. [1.] In the sixteenth judicial circuit,
26 [associate circuit divisions shall hereafter be numbered
27 beginning with the number 25:

28 (1) Division 101 shall hereafter be division 25;

- 1 (2) Division 102 shall hereafter be division 26;
2 (3) Division 103 shall hereafter be division 27;
3 (4) Division 104 shall hereafter be division 28;
4 (5) Division 105 shall hereafter be division 29;
5 (6) Division 106 shall hereafter be division 30;
6 (7) Division 107 shall hereafter be division 31; and
7 (8) Division 108 shall hereafter be division 32.

8 2. Twelve months after construction of two new courtrooms
9 in Independence is completed, there shall be one additional
10 associate circuit judge in the sixteenth judicial circuit, to be
11 known as division 33. The presiding judge of such circuit shall
12 certify to the state of administration office the actual date of
13 completion of said construction.

14 3.] there shall be ten associate circuit judges. These
15 judges shall sit in ten divisions, which shall be numbered
16 beginning with the number 25. Divisions 25, 26, 27, 29, and 31
17 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall
18 sit in Independence. Division 34 shall sit in the location
19 determined by the court en banc. The tenth associate circuit
20 judgeship shall not be included in the statutory formula for
21 authorizing additional associate circuit judgeships per county
22 under section 478.320.

23 478.513. 1. There shall be five circuit judges in the
24 thirty-first judicial circuit [consisting of the county of
25 Greene]. These judges shall sit in divisions numbered one, two,
26 three, four and five.

27 2. The circuit judge in division three shall be elected in
28 1980. The circuit judges in divisions one, four and five shall

1 be elected in 1982. The circuit judge in division two shall be
2 elected in 1984.

3 3. Beginning in fiscal year 2015, there shall be one
4 additional associate circuit judge in the thirty-first judicial
5 circuit, and there shall continue to be the associate judge
6 position authorized in fiscal year 2014. Neither associate
7 circuit judgeship shall be included in the statutory formula for
8 authorizing additional associate circuit judgeships per county
9 under section 478.320.

10 478.600. 1. There shall be four circuit judges in the
11 eleventh judicial circuit [consisting of the county of St.
12 Charles]. These judges shall sit in divisions numbered one, two,
13 three and four. Beginning on January 1, 2007, there shall be six
14 circuit judges in the eleventh judicial circuit and these judges
15 shall sit in divisions numbered one, two, three, four, five, and
16 seven. The division five associate circuit judge position and
17 the division seven associate circuit judge position shall become
18 circuit judge positions beginning January 1, 2007, and shall be
19 numbered as divisions five and seven.

20 2. The circuit judge in division two shall be elected in
21 1980. The circuit judge in division four shall be elected in
22 1982. The circuit judge in division one shall be elected in
23 1984. The circuit judge in division three shall be elected in
24 1992. The circuit judges in divisions five and seven shall be
25 elected for a six-year term in 2006.

26 3. Beginning January 1, 2007, the family court commissioner
27 positions in the eleventh judicial circuit appointed under
28 section 487.020 shall become associate circuit judge positions in

1 all respects and shall be designated as divisions nine and ten
2 respectively. These positions may retain the duties and
3 responsibilities with regard to the family court. The associate
4 circuit judges in divisions nine and ten shall be elected in 2006
5 for full four-year terms.

6 4. Beginning on January 1, 2007, the drug court
7 commissioner position in the eleventh judicial circuit appointed
8 under section 478.003 shall become an associate circuit judge
9 position in all respects and shall be designated as division
10 eleven. This position retains the duties and responsibilities
11 with regard to the drug court. Such associate circuit judge
12 shall be elected in 2006 for a full four-year term. This
13 associate circuit judgeship shall not be included in the
14 statutory formula for authorizing additional associate circuit
15 judgeships per county under section 478.320.

16 5. Beginning in fiscal year 2015, there shall be one
17 additional associate circuit judge position in the eleventh
18 judicial circuit. The associate circuit judge shall be elected
19 in 2016. This associate circuit judgeship shall not be included
20 in the statutory formula for authorizing additional circuit
21 judgeships per county under section 478.320.

22 478.740. 1. There shall be two circuit judges in the
23 thirty-eighth judicial circuit. These judges shall sit in
24 divisions numbered one and two.

25 2. The circuit judge in division two shall be elected in
26 2016, and such judicial position shall not be considered vacant
27 or filled until January 1, 2017. The judge in division one shall
28 be elected in 2018.

1 483.140. It shall be the special duty of every judge of a
2 court of record to examine into and superintend the manner in
3 which the rolls and records of the court are made up and kept; to
4 prescribe orders that will procure uniformity, regularity and
5 accuracy in the transaction of the business of the court; to
6 require that the records and files be properly maintained and
7 entries be made at the proper times as required by law or supreme
8 court rule, and that the duties of the clerks be performed
9 according to law and supreme court rule; and if any clerk fail to
10 comply with the law, the court shall proceed against him as for a
11 misdemeanor. The provisions of this section shall not be
12 construed to permit the adoption of any local court rule that
13 grants a judge the discretion to remove or direct the removal of
14 any pleading, file, or communication from a court file or record
15 without the agreement of all parties.

16 488.012. 1. Beginning July 1, 1997, the clerk of each
17 court of this state responsible for collecting court costs shall
18 collect the court costs authorized by statute, in such amounts as
19 are authorized by supreme court rule adopted pursuant to sections
20 488.010 to 488.020. Court costs due and payable prior to July 1,
21 1997, shall not be affected by the adoption of this rule.

22 2. The supreme court shall set the amount of court costs
23 authorized by statute, at levels to produce revenue which shall
24 not substantially exceed the total of the proportion of the costs
25 associated with administration of the judicial system defrayed by
26 fees, miscellaneous charges and surcharges.

27 3. Prior to adjustment by the supreme court, the following
28 fees, costs and charges shall be collected:

1 (1) Five dollars for the filing of a lien, pursuant to
2 section 429.090;

3 (2) Ten dollars for maintaining child support enforcement
4 records, pursuant to section 452.345;

5 (3) Ten dollars for a notice to a judgment creditor of a
6 distributee, pursuant to section 473.618;

7 (4) Three dollars for receiving and keeping a will,
8 pursuant to section 474.510;

9 (5) Seven dollars for the statewide court automation fund,
10 pursuant to section [476.053] 488.027;

11 (6) Twelve dollars for municipal court costs, fifteen
12 dollars for municipal ordinance violations filed before an
13 associate circuit judge and thirty dollars for applications for a
14 trial de novo of a municipal ordinance violation, pursuant to
15 section 479.260;

16 (7) Five dollars for small claims court cases where less
17 than one hundred dollars is in dispute, and ten dollars in all
18 other small claims court cases, pursuant to section 482.345;

19 (8) Fifty dollars for appeals, pursuant to section 483.500;

20 (9) Fifteen dollars in misdemeanor cases where there is no
21 application for trial de novo, pursuant to section 483.530;

22 (10) Forty-five dollars for applications for a trial de
23 novo for misdemeanor cases, pursuant to section 483.530;

24 (11) Fifteen dollars for each preliminary hearing in felony
25 cases, pursuant to section 483.530;

26 (12) Thirty dollars for each information or indictment
27 filed in felony cases, pursuant to section 483.530;

28 (13) Fifteen dollars for each associate circuit court case

1 filed, and one dollar for each additional summons issued in such
2 cases, pursuant to section 483.530;

3 (14) Forty-five dollars for applications for trial de novo
4 from small claims court and associate circuit court and forty-
5 five dollars for filing of other cases, pursuant to section
6 483.530;

7 (15) One dollar and fifty cents for a certificate of
8 naturalization, pursuant to section 483.535;

9 (16) When letters are applied for in probate proceedings,
10 pursuant to section 483.580, when the value of the estate is:

11 (a) Less than \$10,000 \$ 75.00

12 (b) From \$10,000 to \$25,000 115.00

13 (c) From \$25,000 to \$50,000 155.00

14 (d) From \$50,000 to \$100,000 245.00

15 (e) From \$100,000 to \$500,000 305.00

16 (f) More than \$500,000 365.00;

17 (17) Thirty dollars for each additional twelve months a
18 decedent's estate remains open, pursuant to section 483.580;

19 (18) In proceedings regarding guardianships and
20 conservatorships, pursuant to section 483.580:

21 (a) Twenty-five dollars for each grant of letters for
22 guardianship of a minor;

23 (b) Fifty dollars for each grant of letters for
24 guardianship of an incapacitated person;

25 (c) Sixty dollars for each grant of letters for
26 guardianship of the person and conservatorship of the estate of a
27 minor;

28 (d) Twenty-five dollars for each additional twelve months a

1 conservatorship of a minor's estate case remains open;

2 (e) Seventy-five dollars for each grant of letters in
3 guardianship and conservatorship of incapacitated persons and
4 their estates;

5 (f) Thirty dollars for each additional twelve months an
6 incapacitated person's case remains open;

7 (19) Fifteen dollars for issuing orders refusing to grant
8 letters to a spouse or an unmarried minor child and thirty
9 dollars for a certified copy of such orders, pursuant to section
10 483.580;

11 (20) In probate proceedings, pursuant to section 483.580:

12 (a) Thirty-five dollars for the collection of small
13 estates;

14 (b) Thirty-five dollars for involuntary hospitalization
15 proceedings;

16 (c) Thirty dollars for proceedings to determine heirship;

17 (d) Fifteen dollars for assessment of estate taxes where no
18 letters are granted;

19 (e) Fifty dollars for proceedings for the sale of real
20 estate by a nonresident conservator;

21 (f) Forty dollars for proceedings to dispense with
22 administration;

23 (g) Twenty dollars for proceedings to dispense with
24 conservatorship;

25 (h) Twenty-five dollars for admitting a will to probate;

26 (i) One dollar per copied page and one dollar and fifty
27 cents per certificate;

28 (21) One dollar and fifty cents per page for testimony

transcription, pursuant to section [485.100] 488.2250;

(22) Fifteen dollars for court reporters, pursuant to section [485.120] 488.2253;

(23) Three dollars for witness fees per day, and four dollars when the witness must travel to another county, pursuant to section 491.280.

488.014. No court of record in this state, municipal division of the circuit court, or any entity collecting court costs on their behalf shall be required to refund any overpayment of court costs in an amount not exceeding five dollars or to collect any due court costs in an amount of less than five dollars. Any such overpaid funds may be retained by the county for the operation of the circuit court, except any overpaid funds owed to a municipal division of the circuit court may be retained by the municipality for the operation of the municipal court.

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

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020, may change the fee to any amount not to exceed

1 fifteen dollars. The circuit court in Jackson County or the
2 circuit court in any circuit that reimburses the state for the
3 salaries of family court commissioners under and pursuant to
4 section 487.020 may change the fee to any amount not to exceed
5 twenty dollars. A change in the fee shall become effective and
6 remain in effect until further changed.

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

10 4. In addition to any fee authorized by subsection 1 of
11 this section, any county of the first classification with more
12 than [ninety-three thousand eight hundred but less than ninety-
13 three thousand nine hundred inhabitants] one hundred one thousand
14 but fewer than one hundred fifteen thousand inhabitants may
15 impose an additional fee of ten dollars excluding cases
16 concerning adoption and those in small claims court. The
17 provisions of this subsection shall expire on December 31,
18 [2014] 2019.

19 488.607. The governing body of any county or any city
20 having a shelter for victims of domestic violence established
21 pursuant to sections 455.200 to 455.230, or any municipality
22 within a county which has such shelter, or any county or
23 municipality whose residents are victims of domestic violence and
24 are admitted to such shelters in another county, may, by order or
25 ordinance provide for an additional surcharge in [the] an amount
26 of [two] up to four dollars per case for each criminal case,
27 including violations of any county or municipal ordinance. No
28 surcharge shall be collected in any proceeding when the

1 proceeding or defendant has been dismissed by the court or when
2 costs are to be paid by the state, county or municipality. Such
3 surcharges collected by municipal clerks in municipalities
4 electing or required to have violations of municipal ordinances
5 tried before a municipal judge pursuant to section 479.020, or to
6 employ judicial personnel pursuant to section 479.060, shall be
7 disbursed to the city at least monthly, and such surcharges
8 collected by circuit court clerks shall be collected and
9 disbursed as provided by sections 488.010 to 488.020. Such fees
10 shall be payable to the city or county wherein such fees
11 originated. The county or city shall use such moneys only for
12 the purpose of providing operating expenses for shelters for
13 battered persons as defined in sections 455.200 to 455.230.

14 488.2206. 1. In addition to all court fees and costs
15 prescribed by law, a surcharge of up to ten dollars shall be
16 assessed as costs in each court proceeding filed in any court
17 within the thirty-first judicial circuit in all criminal cases
18 including violations of any county or municipal ordinance or any
19 violation of a criminal or traffic law of the state, including an
20 infraction, except that no such surcharge shall be collected in
21 any proceeding in any court when the proceeding or defendant has
22 been dismissed by the court or when costs are to be paid by the
23 state, county, or municipality. For violations of the general
24 criminal laws of the state or county ordinances, no such
25 surcharge shall be collected unless it is authorized, by order,
26 ordinance, or resolution by the county government where the
27 violation occurred. For violations of municipal ordinances, no
28 such surcharge shall be collected unless it is authorized, by

1 order, ordinance, or resolution by the municipal government where
2 the violation occurred. Such surcharges shall be collected and
3 disbursed by the clerk of each respective court responsible for
4 collecting court costs in the manner provided by sections 488.010
5 to 488.020, and shall be payable to the treasurer of the
6 political subdivision authorizing such surcharge.

7 2. Each county or municipality shall use all funds received
8 pursuant to this section only to pay for the costs associated
9 with the land assemblage and purchase, construction, maintenance,
10 and operation of any county or municipal judicial facility
11 including, but not limited to, debt service, utilities,
12 maintenance, and building security. The county or municipality
13 shall maintain records identifying such operating costs, and any
14 moneys not needed for the operating costs of the county or
15 municipal judicial facility shall be transmitted quarterly to the
16 general revenue fund of the county or municipality respectively.

17 488.2235. 1. In addition to all other court costs for
18 municipal ordinance violations, any home rule city with more than
19 four hundred thousand inhabitants and located in more than one
20 county may provide for additional court costs in an amount up to
21 five dollars per case for each municipal ordinance violation case
22 filed before a municipal division judge or associate circuit
23 judge.

24 2. The judge may waive the assessment of the cost in those
25 cases where the defendant is found by the judge to be indigent
26 and unable to pay the costs.

27 3. Such cost shall be collected by the clerk and disbursed
28 to the city at least monthly. The city shall use such additional

1 costs only for the restoration, maintenance and upkeep of the
2 municipal courthouse. The costs collected may be pledged to
3 directly or indirectly secure bonds for the cost of restoration,
4 maintenance and upkeep of the courthouse.

5 4. The provisions of this section shall expire August 28,
6 2021.

7 575.153. 1. A person commits the crime of disarming a
8 peace officer, as defined in section [590.100] 590.010, or a
9 correctional officer if such person intentionally:

10 (1) Removes a firearm [or other], deadly weapon, or less-
11 lethal weapon, to include blunt impact, chemical or conducted
12 energy devices, used in the performance of his or her official
13 duties from the person of a peace officer or correctional officer
14 while such officer is acting within the scope of his or her
15 official duties; or

16 (2) Deprives a peace officer or correctional officer of
17 such officer's use of a firearm [or], deadly weapon, or any other
18 equipment described in subdivision (1) of this subsection while
19 the officer is acting within the scope of his or her official
20 duties.

21 2. The provisions of this section shall not apply when:

22 (1) The defendant does not know or could not reasonably
23 have known that the person he or she disarmed was a peace officer
24 or correctional officer; or

25 (2) The peace officer or correctional officer was engaged
26 in an incident involving felonious conduct by the peace officer
27 or correctional officer at the time the defendant disarmed such
28 officer.

1 3. Disarming a peace officer or correctional officer is a
2 class C felony.

3 610.021. Except to the extent disclosure is otherwise
4 required by law, a public governmental body is authorized to
5 close meetings, records and votes, to the extent they relate to
6 the following:

7 (1) Legal actions, causes of action or litigation involving
8 a public governmental body and any confidential or privileged
9 communications between a public governmental body or its
10 representatives and its attorneys. However, any minutes, vote or
11 settlement agreement relating to legal actions, causes of action
12 or litigation involving a public governmental body or any agent
13 or entity representing its interests or acting on its behalf or
14 with its authority, including any insurance company acting on
15 behalf of a public government body as its insured, shall be made
16 public upon final disposition of the matter voted upon or upon
17 the signing by the parties of the settlement agreement, unless,
18 prior to final disposition, the settlement agreement is ordered
19 closed by a court after a written finding that the adverse impact
20 to a plaintiff or plaintiffs to the action clearly outweighs the
21 public policy considerations of section 610.011, however, the
22 amount of any moneys paid by, or on behalf of, the public
23 governmental body shall be disclosed; provided, however, in
24 matters involving the exercise of the power of eminent domain,
25 the vote shall be announced or become public immediately
26 following the action on the motion to authorize institution of
27 such a legal action. Legal work product shall be considered a
28 closed record;

1 (2) Leasing, purchase or sale of real estate by a public
2 governmental body where public knowledge of the transaction might
3 adversely affect the legal consideration therefor. However, any
4 minutes, vote or public record approving a contract relating to
5 the leasing, purchase or sale of real estate by a public
6 governmental body shall be made public upon execution of the
7 lease, purchase or sale of the real estate;

8 (3) Hiring, firing, disciplining or promoting of particular
9 employees by a public governmental body when personal information
10 about the employee is discussed or recorded. However, any vote
11 on a final decision, when taken by a public governmental body, to
12 hire, fire, promote or discipline an employee of a public
13 governmental body shall be made available with a record of how
14 each member voted to the public within seventy-two hours of the
15 close of the meeting where such action occurs; provided, however,
16 that any employee so affected shall be entitled to prompt notice
17 of such decision during the seventy-two-hour period before such
18 decision is made available to the public. As used in this
19 subdivision, the term "personal information" means information
20 relating to the performance or merit of individual employees;

21 (4) The state militia or national guard or any part
22 thereof;

23 (5) Nonjudicial mental or physical health proceedings
24 involving identifiable persons, including medical, psychiatric,
25 psychological, or alcoholism or drug dependency diagnosis or
26 treatment;

27 (6) Scholastic probation, expulsion, or graduation of
28 identifiable individuals, including records of individual test or

1 examination scores; however, personally identifiable student
2 records maintained by public educational institutions shall be
3 open for inspection by the parents, guardian or other custodian
4 of students under the age of eighteen years and by the parents,
5 guardian or other custodian and the student if the student is
6 over the age of eighteen years;

7 (7) Testing and examination materials, before the test or
8 examination is given or, if it is to be given again, before so
9 given again;

10 (8) Welfare cases of identifiable individuals;

11 (9) Preparation, including any discussions or work product,
12 on behalf of a public governmental body or its representatives
13 for negotiations with employee groups;

14 (10) Software codes for electronic data processing and
15 documentation thereof;

16 (11) Specifications for competitive bidding, until either
17 the specifications are officially approved by the public
18 governmental body or the specifications are published for bid;

19 (12) Sealed bids and related documents, until the bids are
20 opened; and sealed proposals and related documents or any
21 documents related to a negotiated contract until a contract is
22 executed, or all proposals are rejected;

23 (13) Individually identifiable personnel records,
24 performance ratings or records pertaining to employees or
25 applicants for employment, except that this exemption shall not
26 apply to the names, positions, salaries and lengths of service of
27 officers and employees of public agencies once they are employed
28 as such, and the names of private sources donating or

1 contributing money to the salary of a chancellor or president at
2 all public colleges and universities in the state of Missouri and
3 the amount of money contributed by the source;

4 (14) Records which are protected from disclosure by law;

5 (15) Meetings and public records relating to scientific and
6 technological innovations in which the owner has a proprietary
7 interest;

8 (16) Records relating to municipal hotlines established for
9 the reporting of abuse and wrongdoing;

10 (17) Confidential or privileged communications between a
11 public governmental body and its auditor, including all auditor
12 work product; however, all final audit reports issued by the
13 auditor are to be considered open records pursuant to this
14 chapter;

15 (18) Operational guidelines, policies and specific response
16 plans developed, adopted, or maintained by any public agency
17 responsible for law enforcement, public safety, first response,
18 or public health for use in responding to or preventing any
19 critical incident which is or appears to be terrorist in nature
20 and which has the potential to endanger individual or public
21 safety or health. Financial records related to the procurement
22 of or expenditures relating to operational guidelines, policies
23 or plans purchased with public funds shall be open. When seeking
24 to close information pursuant to this exception, the public
25 governmental body shall affirmatively state in writing that
26 disclosure would impair the public governmental body's ability to
27 protect the security or safety of persons or real property, and
28 shall in the same writing state that the public interest in

1 nondisclosure outweighs the public interest in disclosure of the
2 records;

3 (19) Existing or proposed security systems and structural
4 plans of real property owned or leased by a public governmental
5 body, and information that is voluntarily submitted by a
6 nonpublic entity owning or operating an infrastructure to any
7 public governmental body for use by that body to devise plans for
8 protection of that infrastructure, the public disclosure of which
9 would threaten public safety:

10 (a) Records related to the procurement of or expenditures
11 relating to security systems purchased with public funds shall be
12 open;

13 (b) When seeking to close information pursuant to this
14 exception, the public governmental body shall affirmatively state
15 in writing that disclosure would impair the public governmental
16 body's ability to protect the security or safety of persons or
17 real property, and shall in the same writing state that the
18 public interest in nondisclosure outweighs the public interest in
19 disclosure of the records;

20 (c) Records that are voluntarily submitted by a nonpublic
21 entity shall be reviewed by the receiving agency within ninety
22 days of submission to determine if retention of the document is
23 necessary in furtherance of a state security interest. If
24 retention is not necessary, the documents shall be returned to
25 the nonpublic governmental body or destroyed;

26 (20) The portion of a record that identifies security
27 systems or access codes or authorization codes for security
28 systems of real property;

1 (21) Records that identify the configuration of components
2 or the operation of a computer, computer system, computer
3 network, or telecommunications network, and would allow
4 unauthorized access to or unlawful disruption of a computer,
5 computer system, computer network, or telecommunications network
6 of a public governmental body. This exception shall not be used
7 to limit or deny access to otherwise public records in a file,
8 document, data file or database containing public records.
9 Records related to the procurement of or expenditures relating to
10 such computer, computer system, computer network, or
11 telecommunications network, including the amount of moneys paid
12 by, or on behalf of, a public governmental body for such
13 computer, computer system, computer network, or
14 telecommunications network shall be open;

15 (22) Credit card numbers, personal identification numbers,
16 digital certificates, physical and virtual keys, access codes or
17 authorization codes that are used to protect the security of
18 electronic transactions between a public governmental body and a
19 person or entity doing business with a public governmental body.
20 Nothing in this section shall be deemed to close the record of a
21 person or entity using a credit card held in the name of a public
22 governmental body or any record of a transaction made by a person
23 using a credit card or other method of payment for which
24 reimbursement is made by a public governmental body; [and]

25 (23) Records submitted by an individual, corporation, or
26 other business entity to a public institution of higher education
27 in connection with a proposal to license intellectual property or
28 perform sponsored research and which contains sales projections

1 or other business plan information the disclosure of which may
2 endanger the competitiveness of a business; and

3 (24) Individually identifiable records submitted to the
4 office of the lieutenant governor concerning or relating to
5 reports of waste, fraud, and abuse of public resources.

6 Section 1. All courts that require mandatory electronic
7 filing shall accept, file, and docket a notice of entry of
8 appearance filed by an attorney in a criminal case if such filing
9 does not exceed one page in length and was sent by fax or regular
10 mail. The provisions of this section shall expire on December
11 31, 2016.

12
13 [550.040. In all capital cases, and those in
14 which imprisonment in the penitentiary is the sole
15 punishment for the offense, if the defendant is
16 acquitted, the costs shall be paid by the state; and in
17 all other trials on indictments or information, if the
18 defendant is acquitted, the costs shall be paid by the
19 county in which the indictment was found or information
20 filed.]

21
22 [550.060. In all cases where any person shall be
23 committed or recognized to answer for a felony, and no
24 indictment shall be found against such person, the
25 prosecutor, or person on whose oath the prosecution was
26 commenced, shall be liable for all the costs incurred
27 in that behalf; and the court shall render judgment
28 against such prosecutor for the same, and in no such
29 case shall the state or county pay such costs.]

30
31 Section B. Because of the necessity of
32 constitutionally protected expedient access to the courts
33 and ensuring the continued efficient administration of
34 justice, the repeal and reenactment of sections 478.320,
35 478.437, 478.464, 478.513, and 478.600, and the enactment of
36 section 478.740 of this act are deemed necessary for the
37 immediate preservation of the public health, welfare, peace,

1 and safety, and is hereby declared to be an emergency act
2 within the meaning of the constitution and the repeal and
3 reenactment of sections 478.320, 478.437, 478.464, 478.513,
4 and 478.600, and the enactment of section 478.740 of this
5 act shall be in full force and effect upon its passage and
6 approval.

7 ✓
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11
12
13
14 _____
Bob Dixon

Kevin Austin