

SECOND REGULAR SESSION

# SENATE BILL NO. 615

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DIXON.

Pre-filed December 6, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4248S.04I

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## AN ACT

To repeal sections 476.056 and 488.014, 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 three new sections relating to court costs.

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

Section A. Sections 476.056 and 488.014, RSMo, section 476.385 as  
2 enacted by conference committee substitute for house committee substitute for  
3 senate bill no. 23, ninety-seventh general assembly, first regular session and  
4 section 476.385 as enacted by conference committee substitute for senate  
5 substitute for senate committee substitute for house bill no. 683, ninety-fifth  
6 general assembly, first regular session, are repealed and three new sections  
7 enacted in lieu thereof, to be known as sections 476.056, 476.385, and 488.014,  
8 to read as follows:

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

5 (1) Adopt an ordinance imposing the surcharge in the amount allowed,  
6 and payable in the manner provided, by section [476.053] **488.027**, and sections  
7 488.010 to 488.020;

8 (2) Enter into an agreement with the state courts administrator for

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

9 automation of the municipality's court. Such agreement may provide for  
10 continuation of the surcharge for a minimum period of time, payable to the fund  
11 established by section 476.055, or a special fund established in the state treasury  
12 for such purpose upon expiration of section 476.055, for payment of a guaranteed  
13 minimum annual amount in the event that payment of such surcharges shall not  
14 offset the cost of the automation of the municipality's court; and such other terms  
15 as may be agreed on between the municipality and the state courts administrator.

16 2. Notwithstanding the provisions of section [476.053] **488.027**, the  
17 payment of any surcharge provided by this section may continue for a period in  
18 excess of that allowed by section [476.053] **488.027** for payment of surcharges in  
19 the circuit courts. The provisions of section 33.080 shall not apply to any special  
20 fund established pursuant to this section.

476.385. 1. The judges of the supreme court may appoint a committee  
2 consisting of at least seven associate circuit judges, who shall meet en banc and  
3 establish and maintain a schedule of fines to be paid for violations of sections  
4 [210.104,] 577.070[,] and 577.073, and chapters 252, 301, 302, 304, 306, 307 and  
5 390, with such fines increasing in proportion to the severity of the violation. The  
6 associate circuit judges of each county may meet en banc and adopt the schedule  
7 of fines and participation in the centralized bureau pursuant to this  
8 section. Notice of such adoption and participation shall be given in the manner  
9 provided by supreme court rule. Upon order of the supreme court, the associate  
10 circuit judges of each county may meet en banc and establish and maintain a  
11 schedule of fines to be paid for violations of municipal ordinances for cities, towns  
12 and villages electing to have violations of its municipal ordinances heard by  
13 associate circuit judges, pursuant to section 479.040; and for traffic court  
14 divisions established pursuant to section 479.500. The schedule of fines adopted  
15 for violations of municipal ordinances may be modified from time to time as the  
16 associate circuit judges of each county en banc deem advisable. No fine  
17 established pursuant to this subsection may exceed the maximum amount  
18 specified by statute or ordinance for such violation.

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

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

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

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

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

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

35 4. If a person elects not to contest the alleged violation, the person shall  
36 send payment in the amount of the fine and any court costs established for the  
37 violation to the centralized bureau. Such payment shall be payable to the central  
38 violations bureau, shall be made by mail or in any other manner established by  
39 the centralized bureau, and shall constitute a plea of guilty, waiver of trial and  
40 a conviction for purposes of section 302.302, and for purposes of imposing any  
41 collateral consequence of a criminal conviction provided by law. By paying the  
42 fine and costs, the person also consents to attendance either online or in person  
43 at any driver-improvement program or motorcycle-rider training course ordered  
44 by the court and consents to verification of such attendance as directed by the  
45 bureau. Notwithstanding any provision of law to the contrary, the prosecutor  
46 shall not be required to sign any information, ticket or indictment if disposition  
47 is made pursuant to this subsection. In the event that any payment is made  
48 pursuant to this section by credit card or similar method, the centralized bureau  
49 may charge an additional fee in order to reflect any transaction cost, surcharge  
50 or fee imposed on the recipient of the credit card payment by the credit card  
51 company.

52 5. If a person elects to plead not guilty, such person shall send the plea  
53 of not guilty to the centralized bureau. The bureau shall send such plea and  
54 request for trial to the prosecutor having original jurisdiction over the  
55 offense. Any trial shall be conducted at the location designated by the court. The  
56 clerk of the court in which the case is to be heard shall notify in writing such  
57 person of the date certain for the disposition of such charges. The prosecutor  
58 shall not be required to sign any information, ticket or indictment until the  
59 commencement of any proceeding by the prosecutor with respect to the notice of  
60 violation.

61           6. In courts adopting a schedule of fines pursuant to this section, any  
62 person receiving a notice of violation pursuant to this section shall also receive  
63 written notification of the following:

64           (1) The fine and court costs established pursuant to this section for the  
65 violation or information regarding how the person may obtain the amount of the  
66 fine and court costs for the violation;

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

74           7. Any moneys received in payment of fines and court costs pursuant to  
75 this section shall not be considered to be state funds, but shall be held in trust  
76 by the centralized bureau for benefit of those persons or entities entitled to  
77 receive such funds pursuant to this subsection. All amounts paid to the  
78 centralized bureau shall be maintained by the centralized bureau, invested in the  
79 manner required of the state treasurer for state funds by sections 30.240, 30.250,  
80 30.260 and 30.270, and disbursed as provided by the constitution and laws of this  
81 state. Any interest earned on such fund shall be payable to the director of the  
82 department of revenue for deposit into a revolving fund to be established  
83 pursuant to this subsection. The state treasurer shall be the custodian of the  
84 revolving fund, and shall make disbursements, as allowed by lawful  
85 appropriations, only to the judicial branch of state government for goods and  
86 services related to the administration of the judicial system.

87           8. Any person who receives a notice of violation subject to this section who  
88 fails to dispose of such violation as provided by this section shall be guilty of  
89 failure to appear provided by section 544.665; and may be subject to suspension  
90 of driving privileges in the manner provided by section 302.341. The centralized  
91 bureau shall notify the appropriate prosecutor of any person who fails to either  
92 pay the prescribed fine and court costs, or plead not guilty and request a trial  
93 within the time allotted by this section, for purposes of application of section  
94 544.665. The centralized bureau shall also notify the department of revenue of  
95 any failure to appear subject to section 302.341, and the department shall  
96 thereupon suspend the license of the driver in the manner provided by section

97 302.341, as if notified by the court.

98 9. In addition to the remedies provided by subsection 8 of this section, the  
99 centralized bureau and the courts may use the remedies provided by sections  
100 488.010 to 488.020 for the collection of court costs payable to courts, in order to  
101 collect fines and court costs for violations subject to this section.

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2 a committee consisting of at least seven associate circuit judges,  
3 who shall meet en banc and establish and maintain a schedule of  
4 fines to be paid for violations of sections 210.104, 577.070, and  
5 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with  
6 such fines increasing in proportion to the severity of the  
7 violation. The associate circuit judges of each county may meet en  
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9 centralized bureau pursuant to this section. Notice of such  
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13 establish and maintain a schedule of fines to be paid for violations  
14 of municipal ordinances for cities, towns and villages electing to  
15 have violations of its municipal ordinances heard by associate  
16 circuit judges, pursuant to section 479.040; and for traffic court  
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18 fines adopted for violations of municipal ordinances may be  
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38 payment of a fine, all court costs which would have been collected  
39 by the court of the jurisdiction from which the violation originated.

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41 person shall send payment in the amount of the fine and any court  
42 costs established for the violation to the centralized bureau. Such  
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54 indictment if disposition is made pursuant to this subsection. In  
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61 send the plea of not guilty to the centralized bureau. The bureau  
62 shall send such plea and request for trial to the prosecutor having  
63 original jurisdiction over the offense. Any trial shall be conducted  
64 at the location designated by the court. The clerk of the court in  
65 which the case is to be heard shall notify in writing such person of  
66 the date certain for the disposition of such charges. The prosecutor  
67 shall not be required to sign any information, ticket or indictment

68 until the commencement of any proceeding by the prosecutor with  
69 respect to the notice of violation.

70 6. In courts adopting a schedule of fines pursuant to this  
71 section, any person receiving a notice of violation pursuant to this  
72 section shall also receive written notification of the following:

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87 those persons or entities entitled to receive such funds pursuant to  
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89 be maintained by the centralized bureau, invested in the manner  
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94 for deposit into a revolving fund to be established pursuant to this  
95 subsection. The state treasurer shall be the custodian of the  
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97 appropriations, only to the judicial branch of state government for  
98 goods and services related to the administration of the judicial  
99 system.

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101 this section who fails to dispose of such violation as provided by  
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103 544.665; and may be subject to suspension of driving privileges in

104 the manner provided by section 302.341. The centralized bureau  
105 shall notify the appropriate prosecutor of any person who fails to  
106 either pay the prescribed fine and court costs, or plead not guilty  
107 and request a trial within the time allotted by this section, for  
108 purposes of application of section 544.665. The centralized bureau  
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110 subject to section 302.341, and the department shall thereupon  
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112 302.341, as if notified by the court.

113 9. In addition to the remedies provided by subsection 8 of  
114 this section, the centralized bureau and the courts may use the  
115 remedies provided by sections 488.010 to 488.020 for the collection  
116 of court costs payable to courts, in order to collect fines and court  
117 costs for violations subject to this section.]

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

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