

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1238

97TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 23, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5154S.02C

AN ACT

To repeal sections 488.012, 488.426, and 488.607, RSMo, and to enact in lieu thereof four new sections relating to court costs.

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

Section A. Sections 488.012, 488.426, and 488.607, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as section 488.012,
3 488.426, 488.607, and 488.2206, to read as follows:

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

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

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

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

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

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

17 (4) Three dollars for receiving and keeping a will, pursuant to section
18 474.510;

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

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

21 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal
22 ordinance violations filed before an associate circuit judge and thirty dollars for
23 applications for a trial de novo of a municipal ordinance violation, pursuant to
24 section 479.260;

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

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

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

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

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

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

37 (13) Fifteen dollars for each associate circuit court case filed, and one
38 dollar for each additional summons issued in such cases, pursuant to section
39 483.530;

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

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

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

- 47 (a) Less than \$10,000 \$ 75.00
- 48 (b) From \$10,000 to \$25,000 115.00
- 49 (c) From \$25,000 to \$50,000 155.00
- 50 (d) From \$50,000 to \$100,000 245.00
- 51 (e) From \$100,000 to \$500,000 305.00
- 52 (f) More than \$500,000 365.00;

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

55 (18) In proceedings regarding guardianships and conservatorships,
56 pursuant to section 483.580:

57 (a) Twenty-five dollars for each grant of letters for guardianship of a
58 minor;

59 (b) Fifty dollars for each grant of letters for guardianship of an
60 incapacitated person;

61 (c) Sixty dollars for each grant of letters for guardianship of the person
62 and conservatorship of the estate of a minor;

63 (d) Twenty-five dollars for each additional twelve months a
64 conservatorship of a minor's estate case remains open;

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

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

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

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

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

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

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

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

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

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

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

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

83 (i) One dollar per copied page and one dollar and fifty cents per
84 certificate;

85 (21) One dollar and fifty cents per page for testimony transcription,
86 pursuant to section [485.100] **488.2250**;

87 (22) Fifteen dollars for court reporters, pursuant to section [485.120]
88 **488.2253**;

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

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

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

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

19 4. In addition to any fee authorized by subsection 1 of this section, any
20 county of the first classification with more than [ninety-three thousand eight
21 hundred but less than ninety-three thousand nine hundred inhabitants] **one**
22 **hundred one thousand but fewer than one hundred fifteen thousand**
23 **inhabitants** may impose an additional fee of ten dollars excluding cases
24 concerning adoption and those in small claims court. The provisions of this
25 subsection shall expire on December 31, [2014] **2019**.

488.607. The governing body of any county or any city having a shelter for
2 victims of domestic violence established pursuant to sections 455.200 to 455.230,
3 or any municipality within a county which has such shelter, or any county or
4 municipality whose residents are victims of domestic violence and are admitted
5 to such shelters in another county, may, by order or ordinance provide for an
6 additional surcharge in [the] **an** amount of [two] **up to four** dollars per case for
7 each criminal case, including violations of any county or municipal ordinance. No
8 surcharge shall be collected in any proceeding when the proceeding or defendant
9 has been dismissed by the court or when costs are to be paid by the state, county
10 or municipality. Such surcharges collected by municipal clerks in municipalities
11 electing or required to have violations of municipal ordinances tried before a

12 municipal judge pursuant to section 479.020, or to employ judicial personnel
13 pursuant to section 479.060, shall be disbursed to the city at least monthly, and
14 such surcharges collected by circuit court clerks shall be collected and disbursed
15 as provided by sections 488.010 to 488.020. Such fees shall be payable to the city
16 or county wherein such fees originated. The county or city shall use such moneys
17 only for the purpose of providing operating expenses for shelters for battered
18 persons as defined in sections 455.200 to 455.230.

**488.2206. 1. In addition to all court fees and costs prescribed by
2 law, a surcharge of up to ten dollars shall be assessed as costs in each
3 court proceeding filed in any court within the thirty-first judicial
4 circuit in all criminal cases including violations of any county or
5 municipal ordinance or any violation of a criminal or traffic law of the
6 state, including an infraction, except that no such surcharge shall be
7 collected in any proceeding in any court when the proceeding or
8 defendant has been dismissed by the court or when costs are to be paid
9 by the state, county, or municipality. For violations of the general
10 criminal laws of the state or county ordinances, no such surcharge shall
11 be collected unless it is authorized, by order, ordinance, or resolution
12 by the county government where the violation occurred. For violations
13 of municipal ordinances, no such surcharge shall be collected unless it
14 is authorized, by order, ordinance, or resolution by the municipal
15 government where the violation occurred. Such surcharges shall be
16 collected and disbursed by the clerk of each respective court
17 responsible for collecting court costs in the manner provided by
18 sections 488.010 to 488.020, and shall be payable to the treasurer of the
19 political subdivision authorizing such surcharge.**

20 **2. Each county or municipality shall use all funds received
21 pursuant to this section only to pay for the costs associated with the
22 construction, maintenance, and operation of any county or municipal
23 judicial facility including, but not limited to, debt service, utilities,
24 maintenance, and building security. The county or municipality shall
25 maintain records identifying such operating costs, and any moneys not
26 needed for the operating costs of the county or municipal judicial
27 facility shall be transmitted quarterly to the general revenue fund of
28 the county or municipality respectively.**

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