

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 67

AN ACT

To repeal sections 67.320, 476.083, 534.350, 534.360, 535.030, 535.110, and 535.160, RSMo, and to enact in lieu thereof ten new sections relating to courts.

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

1 Section A. Sections 67.320, 476.083, 534.350, 534.360,
2 535.030, 535.110, and 535.160, RSMo, are repealed and ten new
3 sections enacted in lieu thereof, to be known as sections 67.320,
4 476.083, 479.155, 488.2244, 488.2257, 488.2258, 534.350, 535.030,
5 535.110, and 535.160, to read as follows:

6 67.320. 1. Any county with a charter form of government
7 and with more than two hundred thousand but fewer than three
8 hundred fifty thousand inhabitants, any county of the first
9 classification with more than eighty-three thousand but fewer
10 than ninety-two thousand inhabitants and with a home rule city
11 with more than seventy-six thousand but fewer than ninety-one
12 thousand inhabitants as the county seat, or any county of the
13 first classification with more than one hundred one thousand but
14 fewer than one hundred fifteen thousand inhabitants may prosecute

1 and punish violations of its county orders in the circuit court
2 of such counties in the manner and to the extent herein provided
3 or in a county municipal court if creation of a county municipal
4 court is approved by order of the county commission. The county
5 may adopt orders with penal provisions consistent with state law,
6 but only in the areas of traffic violations, solid waste
7 management, county building codes, on-site sewer treatment,
8 zoning orders, and animal control. Any county municipal court
9 established pursuant to the provisions of this section shall have
10 jurisdiction over violations of that county's orders and the
11 ordinances of municipalities with which the county has a contract
12 to prosecute and punish violations of municipal ordinances of the
13 municipality.

14 2. Except as provided in subsection 5 of this section in
15 any county which has elected to establish a county municipal
16 court pursuant to this section, the judges for such court shall
17 be appointed by the county commission of such county, subject to
18 confirmation by the legislative body of such county in the same
19 manner as confirmation for other county appointed officers. The
20 number of judges appointed, and qualifications for their
21 appointment, shall be established by order of the commission.

22 3. The practice and procedure of each prosecution shall be
23 conducted in compliance with all of the terms and provisions of
24 sections 66.010 to 66.140, except as provided for in this
25 section.

26 4. Any use of the term ordinance in sections 66.010 to
27 66.140 shall be synonymous with the term order for purposes of
28 this section.

1 5. In any county of the first classification with more than
2 one hundred one thousand but fewer than one hundred fifteen
3 thousand inhabitants, the first judges shall be appointed by the
4 county commission for a term of four years, and thereafter the
5 judges shall be elected for a term of four years. The number of
6 judges appointed, and qualifications for their appointment, shall
7 be established by order of the commission.

8 476.083. 1. In addition to any appointments made pursuant
9 to section 485.010, the presiding judge of each circuit
10 containing one or more facilities operated by the department of
11 corrections with an average total inmate population in all such
12 facilities in the circuit over the previous two years of more
13 than two thousand five hundred inmates or containing, as of
14 January 1, 2015, a diagnostic and reception center operated by
15 the department of corrections and a mental health facility
16 operated by the department of mental health which houses persons
17 found not guilty of a crime by reason of mental disease or defect
18 under chapter 552 and provides sex offender rehabilitation and
19 treatment services (SORTS) may appoint a circuit court marshal to
20 aid the presiding judge in the administration of the judicial
21 business of the circuit by overseeing the physical security of
22 the courthouse, serving court-generated papers and orders, and
23 assisting the judges of the circuit as the presiding judge
24 determines appropriate. Such circuit court marshal appointed
25 pursuant to the provisions of this section shall serve at the
26 pleasure of the presiding judge. The circuit court marshal
27 authorized by this section is in addition to staff support from
28 the circuit clerks, deputy circuit clerks, division clerks,

1 municipal clerks, and any other staff personnel which may
2 otherwise be provided by law.

3 2. The salary of a circuit court marshal shall be
4 established by the presiding judge of the circuit within funds
5 made available for that purpose, but such salary shall not exceed
6 ninety percent of the salary of the highest paid sheriff serving
7 a county wholly or partially within that circuit. Personnel
8 authorized by this section shall be paid from state funds or
9 federal grant moneys which are available for that purpose and not
10 from county funds.

11 3. Any person appointed as a circuit court marshal pursuant
12 to this section shall have at least five years' prior experience
13 as a law enforcement officer. In addition, any such person shall
14 within one year after appointment, or as soon as practicable,
15 attend a court security school or training program operated by
16 the United States Marshal Service. In addition to all other
17 powers and duties prescribed in this section, a circuit court
18 marshal may:

- 19 (1) Serve process;
- 20 (2) Wear a concealable firearm; and
- 21 (3) Make an arrest based upon local court rules and state
22 law, and as directed by the presiding judge of the circuit.

23 479.155. 1. By September 1, 2015, the presiding judge of
24 the circuit court in which the municipal division is located
25 shall report to the clerk of the supreme court the name and
26 address of the municipal division and any other information
27 regarding the municipal division requested by the clerk of the
28 supreme court on a standardized form developed by the clerk of

1 the supreme court.

2 2. If a municipality elects to abolish or establish a
3 municipal division, the presiding judge of the circuit court in
4 which the municipal division is located shall notify the clerk of
5 the supreme court, and the presiding judge of any new municipal
6 division shall complete the report required under subsection 1 of
7 this section within ninety days of the establishment of the
8 division.

9 488.2244. 1. There is hereby created in the state treasury
10 the "Jasper County Judicial Fund", which shall consist of moneys
11 collected under subsection 2 of this section. The state
12 treasurer shall be custodian of the fund. In accordance with
13 sections 30.170 and 30.180, the state treasurer may approve
14 disbursements. The fund shall be a dedicated fund and, upon
15 appropriation, moneys in the fund shall be used solely as
16 described under subsection 4 of this section. The state
17 treasurer shall invest moneys in the fund in the same manner as
18 other funds are invested. Any interest and moneys earned on such
19 investments shall be credited to the fund.

20 2. In addition to any other court costs prescribed by law,
21 court proceedings in the twenty-ninth judicial circuit shall have
22 additional court costs assessed in the following manner, except
23 that no such additional costs shall be collected for any
24 violation of a traffic law or in any proceeding when the
25 proceeding or defendant has been dismissed by the court or when
26 costs are to be paid by the state, county, or municipality:

27 (1) All civil cases filed shall be assessed a surcharge of
28 ten dollars;

1 (2) All misdemeanor criminal cases filed shall be assessed
2 a surcharge of twenty-five dollars; and

3 (3) All felony criminal cases filed shall be assessed a
4 surcharge of fifty dollars.

5 3. The judge may waive the assessment of the surcharge in
6 those cases where the defendant is found by the judge to be
7 indigent and unable to pay the costs.

8 4. Any county of the first classification with more than
9 one hundred fifteen thousand but fewer than one hundred fifty
10 thousand inhabitants shall use moneys in the Jasper County
11 judicial fund to pay for the costs associated with the purchase,
12 lease, and operation of a county juvenile center and the county
13 judicial facility including, but not limited to, utilities,
14 maintenance, and building security. The county shall maintain
15 records identifying such operating costs, and any moneys not
16 needed for the operation and maintenance of a county juvenile
17 center or county judicial facility shall revert to the credit of
18 the general revenue fund.

19 5. The provisions of this section shall expire on August
20 28, 2025.

21 488.2257. 1. In addition to all other court costs
22 prescribed by law, a surcharge of up to ten dollars shall be
23 assessed as costs in each court proceeding filed in any court in
24 the state located in any county of the third classification
25 without a township form of government and with more than
26 thirty-seven thousand but fewer than forty-one thousand
27 inhabitants and with a city of the third classification with more
28 than eleven thousand five hundred but fewer than thirteen

1 thousand inhabitants as the county seat in all civil and criminal
2 cases including violations of any county or municipal ordinance
3 or infractions, except that no such surcharge shall be collected
4 for any violation of a traffic law or ordinance or in any
5 proceeding when the proceeding or defendant has been dismissed by
6 the court or when costs are to be paid by the state, county, or
7 municipality. For violations of the criminal laws of the state
8 or county ordinances, including infractions, no such surcharge
9 shall be collected unless it is authorized by order, ordinance,
10 or resolution by the county government where the violation
11 occurred. For violations of municipal ordinances, no such
12 surcharge shall be collected unless it is authorized by order,
13 ordinance, or resolution by the municipal government where the
14 violation occurred. Such surcharges shall be collected and
15 disbursed by the clerk of each respective court responsible for
16 collecting court costs in the manner provided by sections 488.010
17 to 488.020, and shall be payable to the treasurer of the
18 political subdivision authorizing such surcharge.

19 2. Each county or municipality shall use all funds received
20 pursuant to this section only to pay for the costs associated
21 with the land assemblage and purchase, planning, and construction
22 of a new facility, maintenance, and operation of any county or
23 municipal judicial facility or justice center including, but not
24 limited to, architectural, engineering, and other plans and
25 studies, utilities, maintenance, and building security of any
26 judicial facility. The county or municipality shall establish
27 and maintain a separate account known as the "justice center
28 fund" limited to the uses authorized by this section. The county

1 or municipality shall maintain records identifying all surcharges
2 and expenditures made from the justice center fund.

3 3. The provisions of this section shall expire on August
4 28, 2025.

5 488.2258. 1. In addition to all other court costs
6 prescribed by law, a surcharge of one dollar shall be assessed as
7 costs in each court proceeding filed in any court in the state
8 located in a regional juvenile detention district established
9 under section 211.500 and made up of the following counties:

10 (1) Any county with more than sixty-five thousand but fewer
11 than eighty-five thousand inhabitants and with a county seat with
12 more than seventeen thousand but fewer than nineteen thousand
13 inhabitants;

14 (2) Any county of the third classification without a
15 township form of government and with more than twelve thousand
16 but fewer than fourteen thousand inhabitants and with a city of
17 the fourth classification with more than two thousand seven
18 hundred but fewer than three thousand inhabitants as the county
19 seat;

20 (3) Any county of the third classification without a
21 township form of government and with more than nine thousand but
22 fewer than ten thousand inhabitants and with a city of the fourth
23 classification with more than seven hundred but fewer than eight
24 hundred inhabitants as the county seat;

25 (4) Any county of the first classification with more than
26 fifty thousand but fewer than seventy thousand inhabitants; and

27 (5) Any county of the third classification without a
28 township form of government and with more than eighteen thousand

1 but fewer than twenty thousand inhabitants and with a city of the
2 fourth classification with more than five hundred fifty but fewer
3 than six hundred fifty inhabitants as the county seat;

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5 in all civil and criminal cases including violations of any
6 county or municipal ordinance or infractions, except that no such
7 surchARGE shall be collected for any violation of a traffic law
8 or ordinance or in any proceeding when the proceeding or
9 defendant has been dismissed by the court or when costs are to be
10 paid by the state, county, or municipality. For violations of
11 the criminal laws of the state or county ordinances, including
12 infractions, no such surcharge shall be collected unless it is
13 authorized by order, ordinance, or resolution by the county
14 government where the violation occurred. For violations of
15 municipal ordinances, no such surcharge shall be collected unless
16 it is authorized by order, ordinance, or resolution by the
17 municipal government where the violation occurred. Such
18 surcharges shall be collected and disbursed by the clerk of each
19 respective court responsible for collecting court costs in the
20 manner provided by sections 488.010 to 488.020, and shall be
21 payable to the director of the regional juvenile detention
22 district.

23 2. The district shall use all funds received pursuant to
24 this section only to pay for the costs associated with the
25 repair, maintenance, and operation of any regional juvenile
26 detention district facility including, but not limited to,
27 utilities, maintenance, and building security. The district
28 shall establish and maintain a separate account known as the

1 "regional juvenile detention district fund" limited to the uses
2 authorized by this section. The district shall maintain records
3 identifying all surcharges and expenditures made from the
4 regional juvenile detention district fund.

5 3. The provisions of this section shall expire on August
6 28, 2025.

7 534.350. The judge rendering judgment in any such cause may
8 issue execution at any time after judgment, but such execution
9 shall not be levied until after the expiration of the time
10 allowed for the taking of an appeal, except [as in the next
11 succeeding section is provided]:

12 (1) Execution for the purpose of restoring possession shall
13 be issued no sooner than ten days after the judgment. However,
14 the execution for purposes of restoring possession shall be
15 stayed pending an appeal if the losing party posts an appeal
16 bond; and

17 (2) If it shall appear to the officer having charge of the
18 execution that the defendant therein is about to remove, conceal,
19 or dispose of his or her property, so as to hinder or delay the
20 levy, the rents and profits, damages and costs may be levied
21 before the expiration of the time allowed for taking an appeal.

22 535.030. 1. Such summons shall be served as in other civil
23 cases at least four days before the court date in the summons.
24 The summons shall include a court date which shall not be more
25 than twenty-one business days from the date the summons is issued
26 unless at the time of filing the affidavit the plaintiff or
27 plaintiff's attorney consents in writing to a later date.

28 2. In addition to attempted personal service, the plaintiff

1 may request, and thereupon the clerk of the court shall make an
2 order directing that the officer, or other person empowered to
3 execute the summons, shall also serve the same by securely
4 affixing a copy of such summons and the complaint in a
5 conspicuous place on the dwelling of the premises in question at
6 least ten days before the court date in such summons, and by also
7 mailing a copy of the summons and complaint to the defendant at
8 the defendant's last known address by ordinary mail at least ten
9 days before the court date. If the officer, or other person
10 empowered to execute the summons, shall return that the defendant
11 is not found, or that the defendant has absconded or vacated his
12 or her usual place of abode in this state, and if proof be made
13 by affidavit of the posting and of the mailing of a copy of the
14 summons and complaint, the judge shall at the request of the
15 plaintiff proceed to hear the case as if there had been personal
16 service, and judgment shall be rendered and proceedings had as in
17 other cases, except that no money judgment shall be granted the
18 plaintiff where the defendant is in default and service is by the
19 posting and mailing procedure set forth in this section.

20 3. If the plaintiff does not request service of the
21 original summons by posting and mailing as provided in subsection
22 2 of this section, and if the officer, or other person empowered
23 to execute the summons, makes return that the defendant is not
24 found, or that the defendant has absconded or vacated the
25 defendant's usual place of abode in this state, the plaintiff may
26 request the issuance of an alias summons and service of the same
27 by posting and mailing in the time and manner provided in
28 subsection 2 of this section. In addition, the plaintiff or an

1 agent of the plaintiff who is at least eighteen years of age may
2 serve the summons by posting and mailing a copy of the summons in
3 the time and manner provided in subsection 2 of this section.

4 Upon proof by affidavit of the posting and of the mailing of a
5 copy of the summons or alias summons and the complaint, the judge
6 shall proceed to hear the case as if there had been personal
7 service, and judgment shall be rendered and proceedings had as in
8 other cases, except that no money judgment shall be granted the
9 plaintiff where the defendant is in default and service is by the
10 posting and mailing procedure provided in subsection 2 of this
11 section.

12 4. [On the date judgment is rendered as provided in this
13 section where the defendant is in default, the clerk of the court
14 shall mail to the defendant at the defendant's last known address
15 by ordinary mail a notice informing the defendant of the judgment
16 and the date it was entered, and stating that] The defendant has
17 ten days from the date of the judgment to file a motion to set
18 aside the judgment [in the circuit court, as the case may be,]
19 and [that] unless the judgment is set aside within ten days, the
20 judgment for possession will become final and the defendant will
21 be subject to eviction from the premises without further notice.
22 On the date judgment is rendered if the defendant is in default,
23 the clerk of the court shall mail to the defendant at the
24 defendant's last known address by ordinary mail a notice
25 informing the defendant of the foregoing.

26 535.110. Applications for appeals shall be allowed and
27 conducted in the manner provided as in other civil cases; but no
28 application for an appeal shall stay execution unless the

1 defendant [give] gives bond, with security sufficient to secure
2 the payment of all damages, costs and rent then due, and with
3 condition to stay waste and to pay all subsequently accruing
4 rent, if any, into court within ten days [after it becomes due,]
5 after an entry of the judgment by the trial court, all other
6 provisions of law to the contrary notwithstanding, pending
7 determination of the appeal. Execution for the purpose of
8 restoring possession shall be stayed pending an appeal if the
9 losing party posts a sufficient appeal bond.

10 535.160. If the defendant, on the date any money judgment
11 is given in any action pursuant to this chapter, either tenders
12 to the landlord, or brings into the court where the suit is
13 pending, all the rent then in arrears, and all the costs, further
14 proceedings in the action shall cease and be stayed. If on any
15 date after the date of any original trial, but before the
16 judgment becomes final, the defendant shall satisfy such money
17 judgment and pay all costs, any execution for possession of the
18 subject premises shall cease and be stayed; except that the
19 landlord shall not thereby be precluded from making application
20 for appeal from such money judgment. If for any reason no money
21 judgment is entered against the defendant and judgment for the
22 plaintiff is limited only to possession of the subject premises,
23 no stay of execution shall be had, except as provided by the
24 provisions of section 535.110 or the rules of civil procedure or
25 by agreement of the parties.

26 [534.360. If it shall appear to the officer
27 having charge of the execution that the defendant
28 therein is about to remove, conceal or dispose of his
29 property, so as to hinder or delay the levy, the rents
30 and profits, damages and costs may be levied before the

1 expiration of the time allowed for taking an appeal.]

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Mike Cunningham

Shawn Rhoads