

FIRST REGULAR SESSION

SENATE BILL NO. 620

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

2762S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 550, RSMo, by adding thereto one new section relating to change of venue costs for capital cases.

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

Section A. Chapter 550, RSMo, is amended by adding thereto one new section, to be known as section 550.125, to read as follows:

550.125. 1. There is hereby created in the state treasury the "Change of Venue for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the general assembly. The office of state courts administrator shall administer and disburse moneys in the fund in accordance with subsection 2 of this section. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. In a capital case in which a change of venue is taken from one county to any other county, at the conclusion of such case the county from which the case was transferred

19 may apply to the office of state courts administrator for
20 the county to which the case was transferred to be
21 reimbursed from the change of venue for capital cases fund
22 any costs associated with the sequestering of jurors. The
23 costs of reimbursement shall not exceed the then-approved
24 state rates for travel reimbursement for lodging and meals.

25 3. Except as provided under subsection 4 of this
26 section, the office of state courts administrator shall, by
27 rule, develop an application process and other procedures to
28 determine if a county is eligible for reimbursement under
29 this section. If a county is eligible for reimbursement,
30 the office of state courts administrator shall disburse such
31 moneys to the county as provided under subsection 4 of this
32 section. In the event the amount disbursed is less than the
33 county's actual costs associated with sequestering jurors,
34 the original county shall reimburse the county to which the
35 case was transferred for the difference. If the office of
36 state courts administrator determines a county is not
37 eligible for reimbursement under this section, the county in
38 which the capital case originated shall be responsible for
39 reimbursement.

40 4. Applications for reimbursement shall be submitted
41 by May first of the current fiscal year, and disbursements
42 shall be made by June thirtieth of the current fiscal year.
43 Applications submitted after May first of the current fiscal
44 year shall be reimbursed in the following fiscal year. If
45 the total dollar amount of the claims in a given year
46 exceeds the amount of money in the fund in the same year,
47 the claims shall be reimbursed on a pro rata basis.

48 5. Any rule or portion of a rule, as that term is
49 defined in section 536.010, that is created under the
50 authority delegated in this section shall become effective

51 only if it complies with and is subject to all of the
52 provisions of chapter 536 and, if applicable, section
53 536.028. This section and chapter 536 are nonseverable, and
54 if any of the powers vested with the general assembly
55 pursuant to chapter 536 to review, to delay the effective
56 date, or to disapprove and annul a rule are subsequently
57 held unconstitutional, then the grant of rulemaking
58 authority and any rule proposed or adopted after August 28,
59 2021, shall be invalid and void.

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