

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 27

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0469S.03P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 49.310, 50.166, 50.327, 50.530, 59.021, 59.100, 115.127, 221.105, 451.040, and 476.083, RSMo, and to enact in lieu thereof ten new sections relating to political subdivisions, with existing penalty provisions.

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

Section A. Sections 49.310, 50.166, 50.327, 50.530,
2 59.021, 59.100, 115.127, 221.105, 451.040, and 476.083, RSMo,
3 are repealed and ten new sections enacted in lieu thereof, to
4 be known as sections 49.310, 50.166, 50.327, 50.530, 59.021,
5 59.100, 115.127, 221.105, 451.040, and 476.083, to read as
6 follows:

49.310. 1. Except as provided in sections 221.400 to
2 221.420 and subsection 2 of this section, the county
3 commission in each county in this state shall erect and
4 maintain at the established seat of justice a good and
5 sufficient courthouse, jail and necessary fireproof
6 buildings for the preservation of the records of the county;
7 except that in counties having a special charter, the jail
8 or workhouse may be located at any place within the county.
9 In pursuance of the authority herein delegated to the county
10 commission, the county commission may acquire a site,

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

11 construct, reconstruct, remodel, repair, maintain and equip
12 the courthouse and jail, and in counties wherein more than
13 one place is provided by law for holding of court, the
14 county commission may buy and equip or acquire a site and
15 construct a building or buildings to be used as a courthouse
16 and jail, and may remodel, repair, maintain and equip
17 buildings in both places. The county commission may issue
18 bonds as provided by the general law covering the issuance
19 of bonds by counties for the purposes set forth in this
20 section. In bond elections for these purposes in counties
21 wherein more than one place is provided by law for holding
22 of court, a separate ballot question may be submitted
23 covering proposed expenditures in each separate site
24 described therein, or a single ballot question may be
25 submitted covering proposed expenditures at more than one
26 site, if the amount of the proposed expenditures at each of
27 the sites is specifically set out therein.

28 2. The county commission in all counties of the fourth
29 classification and any county of the third, second, or first
30 classification may provide for the erection and maintenance
31 of a good and sufficient jail or holding cell facility at a
32 site in the county other than at the established seat of
33 justice.

34 **3. For any courthouse that contains both a county**
35 **office and a courtroom, the presiding judge of the circuit**
36 **in which the courthouse is located may establish rules for**
37 **courtrooms, jury rooms, and chambers or offices of the**
38 **court, but the county commission shall have authority over**
39 **all other areas of the courthouse.**

50.166. 1. In all cases of claims allowed against the
2 county, and in all cases of grants, salaries, pay and
3 expenses allowed by law, the county clerk may fill in on a

4 form of warrant the amount due as approved by the county
5 commission and other necessary information. The form of the
6 warrant thus filled in by the county clerk may be
7 transmitted to the county treasurer. The warrant may be in
8 such form that a single instrument may serve as the warrant
9 and the county treasurer's draft or check, and may be so
10 designed that it is a nonnegotiable warrant when signed by
11 the county clerk and becomes a negotiable check or draft
12 after it has been signed by the county treasurer.

13 **2. Upon request, the county treasurer shall have**
14 **access to any financially relevant document in the**
15 **possession of any county official for the purposes of**
16 **processing a warrant, unless such warrant is received in the**
17 **absence of a check then the county treasurer shall have**
18 **access to the information necessary to process the warrant.**

19 **3. No official of any county shall refuse a request**
20 **from the county treasurer for access to or a copy of any**
21 **document in the possession of a county official that is**
22 **financially relevant to his or her duties under section**
23 **50.330, except that any county official may redact, remove,**
24 **or delete any personal identifying information, including a**
25 **Social Security number, financial account numbers, medical**
26 **information, or any other personal identifying information,**
27 **before submission to the county treasurer.**

28 **4. No county treasurer shall refuse to release funds**
29 **for the payment of any properly approved expenditure.**

50.327. 1. Notwithstanding any other provisions of
2 law to the contrary, the salary schedules contained in
3 sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269,
4 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317,
5 58.095, and 473.742 shall be set as a base schedule for
6 those county officials. Except when it is necessary to

7 increase newly elected or reelected county officials'
8 salaries, in accordance with Section 13, Article VII,
9 Constitution of Missouri, to comply with the requirements of
10 this section, the salary commission in all counties except
11 charter counties in this state shall be responsible for the
12 computation of salaries of all county officials; provided,
13 however, that any percentage salary adjustments in a county
14 shall be equal for all such officials in that county.

15 2. Upon majority approval of the salary commission,
16 the annual compensation of part-time prosecutors contained
17 in section 56.265 and the county offices contained in
18 sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269,
19 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742
20 may be increased by up to two thousand dollars greater than
21 the compensation provided by the salary schedules; provided,
22 however, that any vote to increase compensation be effective
23 for all county offices in that county.

24 3. Upon majority approval of the salary commission,
25 the annual compensation of a county sheriff as provided in
26 section 57.317 may be increased by up to six thousand
27 dollars greater than the compensation provided by the salary
28 schedule of such section.

29 4. The salary commission of any county of the third
30 classification may amend the base schedules for the
31 computation of salaries for county officials referenced in
32 subsection 1 of this section to include assessed valuation
33 factors in excess of three hundred million dollars; provided
34 that the percentage of any adjustments in assessed valuation
35 factors shall be equal for all such officials in that county.

36 **5. Upon the majority approval of the salary**
37 **commission, the annual compensation of a county coroner of**
38 **any county of the second classification as provided in**

39 **section 58.095 may be increased up to fourteen thousand**
40 **dollars greater than the compensation provided by the salary**
41 **schedule of such section.**

50.530. As used in sections 50.530 to 50.745:

2 (1) "Accounting officer" means county auditor in
3 counties of the first and second classifications and the
4 county clerks in counties of the third and fourth
5 classifications;

6 (2) "Budget officer" means such person, as may, from
7 time to time, be appointed by the county commission of
8 counties of the first classification except in counties of
9 the first classification with a population of less than one
10 hundred thousand inhabitants according to the official
11 United States Census of 1970 the county auditor shall be the
12 chief budget officer, the presiding commissioner of the
13 county commission in counties of the second classification,
14 unless the county commission designates the county clerk as
15 budget officer, and the county clerk in counties of the
16 third and fourth classification. [Notwithstanding the
17 provisions of this subdivision to the contrary, in any
18 county of the first classification with more than eighty-two
19 thousand but fewer than eighty-two thousand one hundred
20 inhabitants, the presiding commissioner shall be the budget
21 officer unless the county commission designates the county
22 clerk as the budget officer.]

59.021. A candidate for county recorder where the
2 offices of the clerk of the court and recorder of deeds are
3 separate, except in any city not within a county or any
4 county having a charter form of government, shall be at
5 least twenty-one years of age, a registered voter, and a
6 resident of the state of Missouri as well as the county in
7 which he or she is a candidate for at least one year prior

8 to the date of the general election. Upon election to
9 office, the person shall continue to reside in that county
10 during his or her tenure in office. **Each candidate for**
11 **county recorder shall provide to the election authority a**
12 **copy of an affidavit from a surety company authorized to do**
13 **business in this state that indicates the candidate is able**
14 **to satisfy the bond requirements under section 59.100.**

59.100. 1. Every recorder elected as provided in
2 section 59.020, before entering upon the duties of the
3 office as recorder, shall enter into bond to the state, in a
4 sum set by the county commission [of not less than one
5 thousand dollars], with sufficient sureties, not less than
6 two, to be approved by the commission, conditioned for the
7 faithful performance of the duties enjoined on such person
8 by law as recorder, and for the delivering up of the
9 records, books, papers, writings, seals, furniture and
10 apparatus belonging to the office, whole, safe and
11 undefaced, to such officer's successor.

12 **2. For a recorder elected after December 31, 2021, the**
13 **bond shall be no less than five thousand dollars. For a**
14 **recorder elected before January 1, 2022, the bond shall be**
15 **no less than one thousand dollars.**

115.127. 1. Except as provided in subsection 4 of
2 this section, upon receipt of notice of a special election
3 to fill a vacancy submitted pursuant to subsection 2 of
4 section 115.125, the election authority shall cause legal
5 notice of the special election to be published in a
6 newspaper of general circulation in its jurisdiction. The
7 notice shall include the name of the officer or agency
8 calling the election, the date and time of the election, the
9 name of the office to be filled and the date by which
10 candidates must be selected or filed for the office. Within

11 one week prior to each special election to fill a vacancy
12 held in its jurisdiction, the election authority shall cause
13 legal notice of the election to be published in two
14 newspapers of different political faith and general
15 circulation in the jurisdiction. The legal notice shall
16 include the date and time of the election, the name of the
17 officer or agency calling the election and a sample ballot.
18 If there is only one newspaper of general circulation in the
19 jurisdiction, the notice shall be published in the newspaper
20 within one week prior to the election. If there are two or
21 more newspapers of general circulation in the jurisdiction,
22 but no two of opposite political faith, the notice shall be
23 published in any two of the newspapers within one week prior
24 to the election.

25 2. Except as provided in subsections 1 and 4 of this
26 section and in sections 115.521, 115.549 and 115.593, the
27 election authority shall cause legal notice of each election
28 held in its jurisdiction to be published. The notice shall
29 be published in two newspapers of different political faith
30 and qualified pursuant to chapter 493 which are published
31 within the bounds of the area holding the election. If
32 there is only one so-qualified newspaper, then notice shall
33 be published in only one newspaper. If there is no
34 newspaper published within the bounds of the election area,
35 then the notice shall be published in two qualified
36 newspapers of different political faith serving the area.
37 Notice shall be published twice, the first publication
38 occurring in the second week prior to the election, and the
39 second publication occurring within one week prior to the
40 election. Each such legal notice shall include the date and
41 time of the election, the name of the officer or agency
42 calling the election and a sample ballot; and, unless notice

43 has been given as provided by section 115.129, the second
44 publication of notice of the election shall include the
45 location of polling places. The election authority may
46 provide any additional notice of the election it deems
47 desirable.

48 3. The election authority shall print the official
49 ballot as the same appears on the sample ballot, and no
50 candidate's name or ballot issue which appears on the sample
51 ballot or official printed ballot shall be stricken or
52 removed from the ballot except on death of a candidate or by
53 court order, but in no event shall a candidate or issue be
54 stricken or removed from the ballot less than eight weeks
55 before the date of the election.

56 4. In lieu of causing legal notice to be published in
57 accordance with any of the provisions of this chapter, the
58 election authority in jurisdictions which have less than
59 seven hundred fifty registered voters and in which no
60 newspaper qualified pursuant to chapter 493 is published,
61 may cause legal notice to be mailed during the second week
62 prior to the election, by first class mail, to each
63 registered voter at the voter's voting address. All such
64 legal notices shall include the date and time of the
65 election, the location of the polling place, the name of the
66 officer or agency calling the election and a sample ballot.

67 5. If the opening date for filing a declaration of
68 candidacy for any office in a political subdivision or
69 special district is not required by law or charter, the
70 opening filing date shall be 8:00 a.m., the [sixteenth]
71 **seventeenth** Tuesday prior to the election[, except that for
72 any home rule city with more than four hundred thousand
73 inhabitants and located in more than one county and any
74 political subdivision or special district located in such

75 city, the opening filing date shall be 8:00 a.m., the
76 fifteenth Tuesday prior to the election]. If the closing
77 date for filing a declaration of candidacy for any office in
78 a political subdivision or special district is not required
79 by law or charter, the closing filing date shall be 5:00
80 p.m., the [eleventh] **fourteenth** Tuesday prior to the
81 election. The political subdivision or special district
82 calling an election shall, before the [sixteenth]
83 **seventeenth** Tuesday, [or the fifteenth Tuesday for any home
84 rule city with more than four hundred thousand inhabitants
85 and located in more than one county or any political
86 subdivision or special district located in such city,] prior
87 to any election at which offices are to be filled, notify
88 the general public of the opening filing date, the office or
89 offices to be filled, the proper place for filing and the
90 closing filing date of the election. Such notification may
91 be accomplished by legal notice published in at least one
92 newspaper of general circulation in the political
93 subdivision or special district.

94 6. Except as provided for in sections 115.247 and
95 115.359, if there is no additional cost for the printing or
96 reprinting of ballots or if the candidate agrees to pay any
97 printing or reprinting costs, a candidate who has filed for
98 an office or who has been duly nominated for an office may,
99 at any time after the certification of the notice of
100 election required in subsection 1 of section 115.125 but no
101 later than 5:00 p.m. on the eighth Tuesday before the
102 election, withdraw as a candidate pursuant to a court order,
103 which, except for good cause shown by the election authority
104 in opposition thereto, shall be freely given upon
105 application by the candidate to the circuit court of the
106 area of such candidate's residence.

221.105. 1. The governing body of any county and of
2 any city not within a county shall fix the amount to be
3 expended for the cost of incarceration of prisoners confined
4 in jails or medium security institutions. The per diem cost
5 of incarceration of these prisoners chargeable by the law to
6 the state shall be determined, subject to the review and
7 approval of the department of corrections.

8 2. When the final determination of any criminal
9 prosecution shall be such as to render the state liable for
10 costs under existing laws, it shall be the duty of the
11 sheriff to certify to the clerk of the circuit court or
12 court of common pleas in which the case was determined the
13 total number of days any prisoner who was a party in such
14 case remained in the county jail. It shall be the duty of
15 the county commission to supply the cost per diem for county
16 prisons to the clerk of the circuit court on the first day
17 of each year, and thereafter whenever the amount may be
18 changed. It shall then be the duty of the clerk of the
19 court in which the case was determined to include in the
20 bill of cost against the state all fees which are properly
21 chargeable to the state. In any city not within a county it
22 shall be the duty of the superintendent of any facility
23 boarding prisoners to certify to the chief executive officer
24 of such city not within a county the total number of days
25 any prisoner who was a party in such case remained in such
26 facility. It shall be the duty of the superintendents of
27 such facilities to supply the cost per diem to the chief
28 executive officer on the first day of each year, and
29 thereafter whenever the amount may be changed. It shall be
30 the duty of the chief executive officer to bill the state
31 all fees for boarding such prisoners which are properly
32 chargeable to the state. The chief executive may by

33 notification to the department of corrections delegate such
34 responsibility to another duly sworn official of such city
35 not within a county. The clerk of the court of any city not
36 within a county shall not include such fees in the bill of
37 costs chargeable to the state. The department of
38 corrections shall revise its criminal cost manual in
39 accordance with this provision.

40 3. Except as provided under subsection 6 of section
41 217.718, the actual costs chargeable to the state, including
42 those incurred for a prisoner who is incarcerated in the
43 county jail because the prisoner's parole or probation has
44 been revoked or because the prisoner has, or allegedly has,
45 violated any condition of the prisoner's parole or
46 probation, and such parole or probation is a consequence of
47 a violation of a state statute, or the prisoner is a
48 fugitive from the Missouri department of corrections or
49 otherwise held at the request of the Missouri department of
50 corrections regardless of whether or not a warrant has been
51 issued shall be the actual cost of incarceration not to
52 exceed:

53 (1) Until July 1, 1996, seventeen dollars per day per
54 prisoner;

55 (2) On and after July 1, 1996, twenty dollars per day
56 per prisoner;

57 (3) On and after July 1, 1997, up to thirty-seven
58 dollars and fifty cents per day per prisoner, subject to
59 appropriations[, but not less than the amount appropriated
60 in the previous fiscal year].

61 4. The presiding judge of a judicial circuit may
62 propose expenses to be reimbursable by the state on behalf
63 of one or more of the counties in that circuit. Proposed
64 reimbursable expenses may include pretrial assessment and

65 supervision strategies for defendants who are ultimately
66 eligible for state incarceration. A county may not receive
67 more than its share of the amount appropriated in the
68 previous fiscal year, inclusive of expenses proposed by the
69 presiding judge. Any county shall convey such proposal to
70 the department, and any such proposal presented by a
71 presiding judge shall include the documented agreement with
72 the proposal by the county governing body, prosecuting
73 attorney, at least one associate circuit judge, and the
74 officer of the county responsible for custody or
75 incarceration of prisoners of the county represented in the
76 proposal. Any county that declines to convey a proposal to
77 the department, pursuant to the provisions of this
78 subsection, shall receive its per diem cost of incarceration
79 for all prisoners chargeable to the state in accordance with
80 the provisions of subsections 1, 2, and 3 of this section.

451.040. 1. Previous to any marriage in this state, a
2 license for that purpose shall be obtained from the officer
3 authorized to issue the same, and no marriage contracted
4 shall be recognized as valid unless the license has been
5 previously obtained, and unless the marriage is solemnized
6 by a person authorized by law to solemnize marriages.

7 2. Before applicants for a marriage license shall
8 receive a license, and before the recorder of deeds shall be
9 authorized to issue a license, the parties to the marriage
10 shall present an application for the license, duly executed
11 and signed in the presence of the recorder of deeds or their
12 deputy **or electronically through an online process**. If an
13 applicant is unable to sign the application in the presence
14 of the recorder of deeds as a result of the applicant's
15 incarceration or because the applicant has been called or

16 ordered to active military duty out of the state or country,
17 the recorder of deeds may issue a license if:

18 (1) An affidavit or sworn statement is submitted by
19 the incarcerated or military applicant on a form furnished
20 by the recorder of deeds which includes the necessary
21 information for the recorder of deeds to issue a marriage
22 license under this section. The form shall include, but not
23 be limited to, the following:

24 (a) The names of both applicants for the marriage
25 license;

26 (b) The date of birth of the incarcerated or military
27 applicant;

28 (c) An attestation by the incarcerated or military
29 applicant that both applicants are not related;

30 (d) The date the marriage ended if the incarcerated or
31 military applicant was previously married;

32 (e) An attestation signed by the incarcerated or
33 military applicant stating in substantial part that the
34 applicant is unable to appear in the presence of the
35 recorder of deeds as a result of the applicant's
36 incarceration or because the applicant has been called or
37 ordered to active military duty out of the state or country,
38 which will be verified by the professional or official who
39 directs the operation of the jail or prison or the military
40 applicant's military officer, or such professional's or
41 official's designee, and acknowledged by a notary public
42 commissioned by the state of Missouri at the time of
43 verification. However, in the case of an applicant who is
44 called or ordered to active military duty outside Missouri,
45 [acknowledgement] **acknowledgment** may be obtained by a notary
46 public who is duly commissioned by a state other than
47 Missouri or by notarial services of a military officer in

48 accordance with the Uniform Code of Military Justice at the
49 time of verification;

50 (2) The completed marriage license application of the
51 incarcerated or military applicant is submitted which
52 includes the applicant's Social Security number; except
53 that, in the event the applicant does not have a Social
54 Security number, a sworn statement by the applicant to that
55 effect; and

56 (3) A copy of a government-issued identification for
57 the incarcerated or military applicant which contains the
58 applicant's photograph. However, in such case the
59 incarcerated applicant does not have such an identification
60 because the jail or prison to which he or she is confined
61 does not issue an identification with a photo his or her
62 notarized application shall satisfy this requirement.

63 3. Each application for a license shall contain the
64 Social Security number of the applicant, provided that the
65 applicant in fact has a Social Security number, or the
66 applicant shall sign a statement provided by the recorder
67 that the applicant does not have a Social Security number.
68 The Social Security number contained in an application for a
69 marriage license shall be exempt from examination and
70 copying pursuant to section 610.024. After the receipt of
71 the application the recorder of deeds shall issue the
72 license, unless one of the parties withdraws the
73 application. The license shall be void after thirty days
74 from the date of issuance.

75 4. Any person violating the provisions of this section
76 shall be deemed guilty of a misdemeanor.

77 5. Common-law marriages shall be null and void.

78 6. Provided, however, that no marriage shall be deemed
79 or adjudged invalid, nor shall the validity be in any way

80 affected for want of authority in any person so solemnizing
81 the marriage pursuant to section 451.100, if consummated
82 with the full belief on the part of the persons, so married,
83 or either of them, that they were lawfully joined in
84 marriage.

85 **7. In the event a recorder of deeds utilizes an online**
86 **process to accept applications for a marriage license or to**
87 **issue a marriage license and the applicants' identity has**
88 **not been verified in person, the recorder shall have a two-**
89 **step identity verification process or a process that**
90 **independently verifies the identity of such applicants.**
91 **Such process shall be adopted as part of any electronic**
92 **system for marriage licenses if the applicants do not**
93 **present themselves to the recorder or his or her designee in**
94 **person. It shall be the responsibility of the recorder to**
95 **ensure any process adopted to allow electronic application**
96 **or issuance of a marriage license verifies the identities of**
97 **both applicants. The recorder shall not accept applications**
98 **for or issue marriage licenses through the process provided**
99 **in this subsection unless at least one of the applicants is**
100 **a resident of the county or city not within a county in**
101 **which the application was submitted.**

476.083. 1. In addition to any appointments made
2 pursuant to section 485.010, the presiding judge of each
3 circuit containing one or more facilities operated by the
4 department of corrections with an average total inmate
5 population in all such facilities in the circuit over the
6 previous two years of more than two thousand five hundred
7 inmates or containing, as of January 1, 2016, a diagnostic
8 and reception center operated by the department of
9 corrections and a mental health facility operated by the
10 department of mental health which houses persons found not

11 guilty of a crime by reason of mental disease or defect
12 under chapter 552 and provides sex offender rehabilitation
13 and treatment services (SORTS) may appoint a circuit court
14 marshal to aid the presiding judge in the administration of
15 the judicial business of the circuit by overseeing the
16 physical security of [the courthouse,] **courtrooms, jury**
17 **rooms, and chambers or offices of the court;** serving court-
18 generated papers and orders[,]; and assisting the judges of
19 the circuit as the presiding judge determines appropriate.
20 Such circuit court marshal appointed pursuant to the
21 provisions of this section shall serve at the pleasure of
22 the presiding judge. The circuit court marshal authorized
23 by this section is in addition to staff support from the
24 circuit clerks, deputy circuit clerks, division clerks,
25 municipal clerks, and any other staff personnel which may
26 otherwise be provided by law.

27 2. The salary of a circuit court marshal shall be
28 established by the presiding judge of the circuit within
29 funds made available for that purpose, but such salary shall
30 not exceed ninety percent of the salary of the highest paid
31 sheriff serving a county wholly or partially within that
32 circuit. Personnel authorized by this section shall be paid
33 from state funds or federal grant moneys which are available
34 for that purpose and not from county funds.

35 3. Any person appointed as a circuit court marshal
36 pursuant to this section shall have at least five years'
37 prior experience as a law enforcement officer. In addition,
38 any such person shall within one year after appointment, or
39 as soon as practicable, attend a court security school or
40 training program operated by the United States Marshal
41 Service. In addition to all other powers and duties
42 prescribed in this section, a circuit court marshal may:

- 43 (1) Serve process;
- 44 (2) Wear a concealable firearm; and
- 45 (3) Make an arrest based upon local court rules and
- 46 state law, and as directed by the presiding judge of the
- 47 circuit.

