

# SENATE BILL NO. 1054

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4973S.01H

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal sections 3.150, 57.280, 57.952, 57.955, 57.961, 57.962, 57.967, 483.088, and 488.024, RSMo, and to enact in lieu thereof six new sections relating to funding of the sheriffs' retirement system.

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

Section A. Sections 3.150, 57.280, 57.952, 57.955,  
2 57.961, 57.962, 57.967, 483.088, and 488.024, RSMo, are  
3 repealed and six new sections enacted in lieu thereof, to be  
4 known as sections 3.150, 57.279, 57.280, 57.952, 57.961, and  
5 57.967, to read as follows:

3.150. Notwithstanding the provisions of this chapter  
2 to the contrary the revisor of statutes is hereby directed  
3 to codify all sections of law or portions of sections of law  
4 imposing court costs, fees, miscellaneous charges and  
5 surcharges imposed in connection with filing and prosecution  
6 of judicial cases, both civil and criminal, into one chapter  
7 of the revised statutes of Missouri. The revisor shall  
8 recodify those sections or portions of sections of existing  
9 law which impose such court costs, including, but not  
10 limited to, sections 56.310, 56.765, 57.280, 57.290,  
11 [57.955,] 66.110, 67.133, 193.205, 193.265, 221.070,  
12 221.120, 455.205, 476.053, 478.401, 479.260, 479.261,  
13 482.345, 483.500, 483.505, 483.530, 483.535, 483.550,  
14 483.580, 483.591, 485.100, 485.120, 487.170, 488.305,  
15 488.605, 488.1005, 488.1010, 491.280, 491.420, 494.455,

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

16 494.480, 513.623, 517.151, 561.035, 577.048, 590.140 and  
17 595.045, chapters 514 and 550, subsection 2 of sections  
18 476.385 and 488.2205, and any other sections or portions of  
19 sections of law which impose such court costs, both existing  
20 and future, into one chapter of the revised statutes which  
21 deals with court costs, which shall be titled to reflect  
22 that all sections relating to such court costs are contained  
23 within said chapter. From time to time, the revisor of  
24 statutes shall call upon the state courts administrator for  
25 assistance in determining what sections, or portions of  
26 sections, of law impose court costs for purposes of this  
27 section.

57.279. 1. There is hereby created in the state  
2 treasury the "Sheriffs' Retirement Treasury Fund", which  
3 shall consist of money collected from charges for service  
4 received by county sheriffs pursuant to subsection 6 of  
5 section 57.280. The money in the fund shall only be  
6 disbursed to the sheriffs' retirement fund created in  
7 section 57.295 for the sole use by the sheriffs' retirement  
8 system for the purposes provided in sections 57.979 to  
9 57.997 and for no other purpose. The state treasurer shall  
10 be custodian of the fund and may approve disbursements in  
11 accordance with sections 30.170 and 30.180.

12 2. Notwithstanding the provisions of section 30.080 to  
13 the contrary, any moneys remaining in the fund at the end of  
14 the biennium shall not revert to the credit of the general  
15 revenue fund. The state treasurer shall invest moneys in  
16 the fund in the same manner as other funds are invested.  
17 Any interest and moneys carried on such investments shall be  
18 credited to the fund.

57.280. 1. Sheriffs shall receive a charge for  
2 service of any summons, writ or other order of court, in

3 connection with any civil case, and making on the same  
4 either a return indicating service, a non est return or a  
5 nulla bona return, the sum of twenty dollars for each item  
6 to be served, except that a sheriff shall receive a charge  
7 for service of any subpoena, and making a return on the  
8 same, the sum of ten dollars; however, no such charge shall  
9 be collected in any proceeding when court costs are to be  
10 paid by the state, county or municipality. In addition to  
11 such charge, the sheriff shall be entitled to receive for  
12 each mile actually traveled in serving any summons, writ,  
13 subpoena or other order of court the rate prescribed by the  
14 Internal Revenue Service for all allowable expenses for  
15 motor vehicle use expressed as an amount per mile, provided  
16 that such mileage shall not be charged for more than one  
17 subpoena or summons or other writ served in the same cause  
18 on the same trip. All of such charges shall be received by  
19 the sheriff who is requested to perform the service. Except  
20 as otherwise provided by law, all charges made pursuant to  
21 this section shall be collected by the court clerk as court  
22 costs and are payable prior to the time the service is  
23 rendered; provided that if the amount of such charge cannot  
24 be readily determined, then the sheriff shall receive a  
25 deposit based upon the likely amount of such charge, and the  
26 balance of such charge shall be payable immediately upon  
27 ascertainment of the proper amount of said charge. A  
28 sheriff may refuse to perform any service in any action or  
29 proceeding, other than when court costs are waived as  
30 provided by law, until the charge provided by this section  
31 is paid. Failure to receive the charge shall not affect the  
32 validity of the service.

33 2. The sheriff shall receive for receiving and paying  
34 moneys on execution or other process, where lands or goods

35 have been levied and advertised and sold, five percent on  
36 five hundred dollars and four percent on all sums above five  
37 hundred dollars, and half of these sums, when the money is  
38 paid to the sheriff without a levy, or where the lands or  
39 goods levied on shall not be sold and the money is paid to  
40 the sheriff or person entitled thereto, his agent or  
41 attorney. The party at whose application any writ,  
42 execution, subpoena or other process has issued from the  
43 court shall pay the sheriff's costs for the removal,  
44 transportation, storage, safekeeping and support of any  
45 property to be seized pursuant to legal process before such  
46 seizure. The sheriff shall be allowed for each mile, going  
47 and returning from the courthouse of the county in which he  
48 resides to the place where the court is held, the rate  
49 prescribed by the Internal Revenue Service for all allowable  
50 expenses for motor vehicle use expressed as an amount per  
51 mile. The provisions of this subsection shall not apply to  
52 garnishment proceeds.

53 3. The sheriff upon the receipt of the charge herein  
54 provided for shall pay into the treasury of the county any  
55 and all charges received pursuant to the provisions of this  
56 section. The funds collected pursuant to this section, not  
57 to exceed fifty thousand dollars in any calendar year, shall  
58 be held in a fund established by the county treasurer, which  
59 may be expended at the discretion of the sheriff for the  
60 furtherance of the sheriff's set duties. Any such funds in  
61 excess of fifty thousand dollars in any calendar year shall  
62 be placed to the credit of the general revenue fund of the  
63 county. Moneys in the fund shall be used only for the  
64 procurement of services and equipment to support the  
65 operation of the sheriff's office. Moneys in the fund  
66 established pursuant to this subsection shall not lapse to

67 the county general revenue fund at the end of any county  
68 budget or fiscal year.

69 4. Notwithstanding the provisions of subsection 3 of  
70 this section to the contrary, the sheriff, or any other  
71 person specially appointed to serve in a county that  
72 receives funds under section 57.278, shall receive ten  
73 dollars for service of any summons, writ, subpoena, or other  
74 order of the court included under subsection 1 of this  
75 section, in addition to the charge for such service that  
76 each sheriff receives under subsection 1 of this section.  
77 The money received by the sheriff, or any other person  
78 specially appointed to serve in a county that receives funds  
79 under section 57.278, under this subsection shall be paid  
80 into the county treasury and the county treasurer shall make  
81 such money payable to the state treasurer. The state  
82 treasurer shall deposit such moneys in the deputy sheriff  
83 salary supplementation fund created under section 57.278.

84 5. Sheriffs shall receive up to fifty dollars for  
85 service of any summons, writ, or other order of the court in  
86 connection with any eviction proceeding, in addition to the  
87 charge for such service that each sheriff receives under  
88 this section. All of such charges shall be received by the  
89 sheriff who is requested to perform the service and shall be  
90 paid to the county treasurer in a fund established by the  
91 county treasurer, which may be expended at the discretion of  
92 the sheriff for the furtherance of the sheriff's set  
93 duties. All charges shall be payable prior to the time the  
94 service is rendered; provided that if the amount of such  
95 charge cannot be readily determined, then the sheriff shall  
96 receive a deposit based upon the likely amount of such  
97 charge, and the balance of such charge shall be payable

98 immediately upon ascertainment of the proper amount of said  
99 charge.

100         **6. Sheriffs shall receive up to fifty dollars for**  
101 **service of any summons, writ, or other order of the court in**  
102 **connection with any eviction proceeding, in addition to the**  
103 **charge for such service that each sheriff receives under**  
104 **subsection 5 of this section or any other provision of this**  
105 **section. All of such charges shall be received by the**  
106 **sheriff who is requested to perform the service and shall be**  
107 **paid into the county treasury. The county treasurer shall**  
108 **make such money payable to the state treasurer. The state**  
109 **treasurer shall deposit such moneys into the sheriffs'**  
110 **retirement treasury fund created in section 57.279 in order**  
111 **to disperse to the sheriffs' retirement fund created in**  
112 **section 57.952. All charges shall be payable prior to the**  
113 **time the service is rendered; provided that if the amount of**  
114 **such charge cannot be readily determined, then the sheriff**  
115 **shall receive a deposit based upon the likely amount of such**  
116 **charge, and the balance of such charge shall be payable**  
117 **immediately upon ascertainment of the proper amount of said**  
118 **charge.**

57.952. 1. There is hereby authorized a "Sheriffs'  
2 Retirement Fund" which shall be under the management of a  
3 board of directors described in section 57.958. The board  
4 of directors shall be responsible for the administration and  
5 the investment of the funds of such sheriffs' retirement  
6 fund. Neither the general assembly nor the governing body  
7 of a county shall appropriate funds for deposit in the  
8 sheriffs' retirement fund, **except for moneys disbursed by**  
9 **the state treasurer for service received by county sheriffs**  
10 **pursuant to subsection 6 of section 57.280. If insufficient**  
11 funds are generated to provide the benefits payable pursuant

12 to the provisions of sections 57.949 to 57.997, the board  
13 shall proportion the benefits according to the funds  
14 available. **The sheriffs' retirement fund shall consist of**  
15 **moneys collected for service received by county sheriffs**  
16 **pursuant to subsection 6 of section 57.280. Moneys credited**  
17 **to the sheriffs' retirement fund shall be used only for the**  
18 **purposes provided for in sections 57.949 to 57.997 and for**  
19 **no other purpose.**

20 **2. The board may accept gifts, donations, grants and**  
21 **bequests from public or private sources to the sheriffs'**  
22 **retirement fund.**

57.961. 1. On and after the effective date of the  
2 establishment of the system, as an incident to his  
3 employment or continued employment, each person employed as  
4 an elected or appointed sheriff of a county shall become a  
5 member of the system. Such membership shall continue as  
6 long as the person continues to be an employee, or receives  
7 or is eligible to receive benefits under the provisions of  
8 sections 57.949 to 57.997.

9 2. Beginning September 1, 1986, any city not within a  
10 county and any county having a charter form of government  
11 may elect, by a majority vote of its governing body, to come  
12 under the provisions of sections 57.949 to 57.997 [except  
13 for the provisions of section 57.955]. Notice in writing of  
14 such election shall be given to the board, and the person  
15 employed as sheriff of such county, as an incident of his  
16 contract of employment or continued employment, shall become  
17 a member of the system on the first day of the month  
18 immediately following the date the board receives notice.  
19 Such membership shall continue as long as the person  
20 continues to be an employee, or receives or is eligible to  
21 receive benefits under the provisions of sections 57.949 to

22 57.997, and upon becoming a member he shall receive credit  
23 for all prior service as if he had become a member on  
24 December 22, 1983.

57.967. 1. The normal annuity of a retired member  
2 shall equal two percent of the final average compensation of  
3 the retired member multiplied by the number of years of  
4 creditable service of the retired member, except that the  
5 normal annuity shall not exceed seventy-five percent of the  
6 retired member's average final compensation.

7 2. The board, at its last meeting of each calendar  
8 year, shall determine the monthly amount for medical  
9 insurance premiums to be paid to each retired member during  
10 the next following calendar year. The monthly amount shall  
11 not exceed four hundred fifty dollars. The monthly payments  
12 are at the discretion of the board on the advice of the  
13 actuary. The anticipated sum of all such payments during  
14 the year plus the annual normal cost plus the annual amount  
15 to amortize the unfunded actuarial accrued liability in no  
16 more than thirty years shall not exceed the anticipated  
17 moneys credited to the system pursuant to section [57.955]  
18 **57.952**. The money amount granted here shall not be  
19 continued to any survivor.

20 3. If a member with eight or more years of service  
21 dies before becoming eligible for retirement, the member's  
22 surviving spouse, if he or she has been married to the  
23 member for at least two years prior to the member's death,  
24 shall be entitled to survivor benefits under option 1 as set  
25 forth in section 57.979 as if the member had retired on the  
26 date of the member's death. The member's monthly benefit  
27 shall be calculated as the member's accrued benefit at his  
28 or her death reduced by one-fourth of one percent per month  
29 for an early commencement from the member's normal



30 retirement date: age fifty-five with twelve or more years  
31 of creditable service or age sixty-two with eight years of  
32 creditable service, to the member's date of death. Such  
33 benefit shall be payable on the first day of the month  
34 following the member's death and shall be payable during the  
35 surviving spouse's lifetime.

2 [57.955. 1. There shall be assessed and  
3 collected a surcharge of three dollars in all  
4 civil actions filed in the courts of this state  
5 and in all criminal cases including violation of  
6 any county ordinance or any violation of  
7 criminal or traffic laws of this state,  
8 including infractions, but no such surcharge  
9 shall be assessed when the costs are waived or  
10 are to be paid by the state, county or  
11 municipality or when a criminal proceeding or  
12 the defendant has been dismissed by the court.  
13 For purposes of this section, the term "county  
14 ordinance" shall not include any ordinance of  
15 the city of St. Louis. The clerk responsible  
16 for collecting court costs in civil and criminal  
17 cases, shall collect and disburse such amounts  
18 as provided by sections 488.010 to 488.020.  
19 Such funds shall be payable to the sheriffs'  
20 retirement fund. Moneys credited to the  
21 sheriffs' retirement fund shall be used only for  
22 the purposes provided for in sections 57.949 to  
23 57.997 and for no other purpose.

24 2. The board may accept gifts, donations,  
25 grants and bequests from public or private  
sources to the sheriffs' retirement fund.]

2 [57.962. Other provisions of law to the  
3 contrary notwithstanding, any county or city not  
4 within a county who has elected or elects in the  
5 future to come under the provisions of sections  
6 57.949 to 57.997 shall, after August 28, 2002,  
7 or on the date that such election is approved by  
8 the board of directors of the retirement system,  
9 whichever later occurs, be subject to the  
provisions of section 57.955.]

2 [483.088. Each circuit clerk shall prepare  
3 a summary of all amounts collected pursuant to  
4 section 57.955 during the preceding calendar  
5 year and shall annually, by July first of the  
6 succeeding year, send a copy of such summary to  
the state auditor.]

2 [488.024. As provided by section 57.955,  
3 there shall be assessed and collected a  
4 surcharge of three dollars in all civil actions  
filed in the courts of this state and in all

5 criminal cases including violation of any county  
6 ordinance or any violation of criminal or  
7 traffic laws of this state, including  
8 infractions, but no such surcharge shall be  
9 assessed when the costs are waived or are to be  
10 paid by the state, county or municipality or  
11 when a criminal proceeding or the defendant has  
12 been dismissed by the court. For purposes of  
13 this section, the term "county ordinance" shall  
14 not include any ordinance of the City of St.  
15 Louis. The clerk responsible for collecting  
16 court costs in civil and criminal cases shall  
17 collect and disburse such amounts as provided by  
18 sections 488.010 to 488.020. Such funds shall  
19 be payable to the sheriffs' retirement fund.]

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