

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1, 92, 111, 129 & 222

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Offered April 12, 1999.

Senate Substitute adopted, April 13, 1999.

Taken up for Perfection April 13, 1999. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

S0493.08P

AN ACT

To repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 304.140, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to jurisdiction and procedures of courts, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an expiration date for a certain section.

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

Section A. Sections 57.130, 88.013, 88.023, 211.453, 211.477, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 304.140, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 57.130, 57.280, 88.013, 88.023, 105.464, 211.453, 211.477, 304.140, 452.400, 452.552, 453.072, 455.205, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 479.261, 487.020, 488.015, 494.455, 506.363, 506.369, 506.372, 506.375, 506.390, 508.190, 511.440, 511.450, 514.040, 528.620, 536.053, 550.140,

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

550.240, 550.260 and 590.140, to read as follows:

57.130. **1.** The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

2. The provisions of this section shall expire and be of no force and effect on and after July 1, 2002.

57.280. **1.** Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the [supreme] court shall pay **the sheriff's costs** for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure [and]. **The sheriff** shall [cause the same to be returned without charge unless the court shall, for special reasons, order the personal attendance of the sheriff, in which case he shall] be allowed for each

mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section; however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from the sale of recovered evidence, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars, other than regular budget allocations or land sale proceeds, shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

88.013. Thereupon the attorney for the city, in the name of the city, shall apply to the circuit court of the county where the city is located, by petition, setting forth the limits of the benefit district, a correct description of the property that is sought to be acquired or condemned, the use for which such land is to be taken and dedicated or the general nature of the improvements proposed to be made, the names of the owners of the several lots, tracts or parcels of land if known, or if unknown a correct description of the parcels whose owners are unknown, and praying the appointment of three disinterested commissioners, who are residents of the [city] **county, in which the real estate or a portion thereof is situated**, to assess the damages which the owners may severally sustain by reason of the appropriation and condemnation of such real estate by the city for any of the purposes described in this section, and to assess the property especially benefited by the improvements within the benefited district, in proportion to the benefits accruing to each from the proposed improvements.

88.023. The court on being satisfied that proper notice has been given to all the defendants and to the owners of property within the benefited district and that the ordinance and petition are regular and valid, shall appoint three persons, who are residents of the [city] **county, in which the real estate or a portion thereof is situated**, as commissioners to assess the damages which the owners of the land may severally sustain by reason of such appropriation, and to assess the property especially benefited by said improvements within the benefited district to pay therefor.

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which[

(1)] the person knows that a party is any of the following: the person or the person's

great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin], or any firm or corporation in which the person has an ownership interest, or any trust in which the person has any legal, equitable or beneficial interest;

(2) The person knows the subject matter is such that the person may receive a direct or indirect financial gain from any potential result of the proceeding, except that no provision in this subsection shall be construed to prohibit the person from participating in any proceeding by reason of the fact that the state, or any agency of the state, or any agency of a political subdivision thereof, is a party].

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

211.453. 1. Service of summons shall be made as in other civil cases in the manner prescribed in section 506.150, RSMo. However, if service cannot be made as prescribed in section 506.150, RSMo, and it is not waived, then the service shall be made by mail or publication as provided in section 506.160, RSMo.

2. Persons who shall be summoned and receive a copy of the petition shall include:

(1) The parent of the child, including a putative father who has acknowledged the child as his own by affirmatively asserting his paternity, **unless the parent has filed a consent to the termination of parental rights in court;**

(2) The guardian of the person of the child;

(3) The person, agency or organization having custody of the child;

(4) The foster parent, relative or other person with whom the child has been placed; and

(5) Any other person whose presence the court deems necessary.

3. The court shall not require service in the case of a parent whose identity is unknown and cannot be ascertained, or cannot be located.

4. Any person required to receive summons may waive appearance or service of summons.

211.477. 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the child, the court may terminate the rights of the parent in and to the child. After ordering termination and after consideration of the social study and report, the court shall transfer legal custody to:

(1) The division of family services;

(2) A private child-placing agency;

(3) A foster parent, relative or other person participating in the proceedings pursuant to section 211.464; or

(4) Any other person or agency the court deems suitable to care for the child.

2. If only one parent consents or if the conditions specified in section 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.

3. The court may order termination whether or not the child is in adoptive placement or an adoptive placement is available for the child.

4. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists, but that termination is not in the best interests of the child because the court finds that the child would benefit from the continued parent-child relationship or because the child is fourteen or more years of age and objects to the termination, the court may:

(1) Dismiss the petition and order that the child be returned to the custody of the parent;

(2) Retain jurisdiction of the case and order that the child be placed in the legal custody of the parent, the division, a private child-caring or placing agency, a foster parent, relative or other suitable person who is able to provide long-term care for the child. Any order of the court under this subdivision shall designate the period of time it shall remain in effect, with mandatory review by the court no later than six months thereafter. The court shall also specify what residual rights and responsibilities remain with the parent. Any individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court; or

(3) Appoint a guardian under the provisions of chapter 475, RSMo.

5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the jurisdictional facts, factual findings on the existence of grounds for termination and that the best interests of the child **[is] are** served by the disposition stated in the order. **[The order shall be a final order after thirty days from the date of its entry for purposes of and subject to the rights of appeal.]**

304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of an infraction **or misdemeanor, as is provided in such order or regulation. The court entering any conviction for violations pursuant to this section or section 304.130 shall report the conviction to the department of revenue as otherwise provided by law.**

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of chapter 568, RSMo, except for section

568.040, RSMo, when the child was the victim or an offense committed in another state, when the child is the victim, that would be a felony violation of chapter 566, RSMo, or chapter 568, RSMo, except for section 568.040, RSMo, if committed in Missouri. The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution or legal separation. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010, RSMo. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard **court costs otherwise due for instituting a civil action in the circuit court** plus a [fee not to exceed] **surcharge in the amount of** twenty-five dollars.

4. Within five **court** days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally

served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other **civil** actions, except those of an emergency nature or those filed pursuant to chapter 455, RSMo. The motion shall contain the following statement in boldface type: "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

(1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

(2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

(3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;

(4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

(5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO RE-ESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND

(6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. If an alternative dispute resolution program is not available pursuant to section 452.372, each circuit may use the twenty-five-dollar family access **[fee] surcharge** to cover the costs of such program or, if the twenty-five-dollar family access **[fee] surcharge** is waived pursuant to section 452.401, the court shall develop a method appropriate for that court to cover the costs of the program. If alternative dispute resolution is not available pursuant to supreme court rule, a hearing shall be scheduled within fourteen days of the date of service.

7. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

(1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;

(2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;

(3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;

(4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and

(5) Ordering the violator to pay the cost of counseling to re-establish the parent-child relationship between the aggrieved party and the child.

8. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

9. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

10. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

452.552. In addition to any other court costs required to institute an action [pursuant to an action for dissolution of marriage] **in the circuit division of the circuit court**, a surcharge of [ten] **three** dollars shall be paid by the person filing such action. The surcharge shall be collected and disbursed in a manner provided by sections 488.012 to 488.020, RSMo, by the court clerk at the time the petition is filed and shall be payable to the director of revenue for deposit in the domestic relations resolution fund established in section 452.554.

453.072. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to qualified relatives of a child who are granted legal guardianship of the child. As used in this section, "qualified relatives" means any grandparent, aunt, uncle or adult sibling of the child.

455.205. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [1997] **2000**, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon the [entry of a decree of dissolution of marriage by a] **any civil case filed in the circuit court** under the provisions of section 452.305,

RSMo. **The surcharge shall not be charged when no court costs are otherwise required, and shall not be charged when costs are waived or are to be paid by the state, county or municipality.**

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the [entry of a decree of dissolution of marriage] **the filing of a civil action** shall be [ten] **two** dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

476.681. 1. Any retired judge **or retired commissioner** receiving retirement benefits under any of the applicable provisions of this chapter, who is willing to serve as a senior judge **or senior commissioner, respectively**, may make application for such service with the clerk of the supreme court on forms provided by the clerk. The application shall contain information relating to the prior legal and judicial experience of the applicant, the applicant's physical and mental health, and the times of the applicant's availability. The clerk may request physical or mental examinations of any applicant and may request that the applicant furnish or authorize the furnishing of any relevant medical or other health records. An application shall be submitted to the supreme court for approval or disapproval and shall be valid for a period of one year from the date of approval.

2. Upon written request of the chief judge of any district of the court of appeals or the presiding judge of any circuit, the supreme court may appoint a senior judge **or senior commissioner** from the file of approved applications maintained by the clerk of the supreme court. Appointments to serve shall be based on caseload and need, as determined by the supreme court in its discretion, taking into consideration reports filed pursuant to section 476.412, recommendations made by the judicial resources commission created herein and such other matters that the court deems relevant. The appointment may be made for a specific case or cases or for a specified period of time not to exceed one year. The appointment may be extended for additional periods of time not to exceed one year each if the appointed senior judge **or senior commissioner** maintains an annual updated and approved application for appointment. Persons

serving as a senior judge **or senior commissioner** pursuant to the provisions of this section shall receive compensation as provided in section 476.682.

476.682. 1. Any person assigned as a senior judge **or senior commissioner** pursuant to section 26 of article V of the Missouri Constitution shall receive for each day of service an amount [that when added to the daily amount of annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, equals one hundred] **equal to fifty percent** of the current annual salary of the office from which the judge **or senior commissioner** retired attributable to one day of service. **Notwithstanding the foregoing, no senior judge or senior commissioner shall receive less daily compensation than an amount, that when added to the daily amount of annual compensation payable pursuant to sections 476.450 to 476.595, is less than one hundred percent of the current annual salary of the office from which the judge or commissioner retired attributable to one day of service.** For purposes of this subsection, one year shall equal two hundred thirty-five days. **No senior judge or senior commissioner shall receive compensation pursuant to this subsection in a total amount that when such compensation is added to the annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, the sum is greater than the current annual salary of the office from which the judge or commissioner retired.**

2. A senior judge **or senior commissioner** assigned pursuant to section 26 of article V of the Missouri Constitution for service outside the county where he **or she** resides shall be reimbursed for his **or her** travel and other actual and necessary expenses incurred in the performance of his **or her** services.

3. On or before the tenth day of each month a senior judge **or senior commissioner** shall certify to the state courts administrator the period during the previous month during which he **or she** was assigned services and, if such services were completed, the date thereof and at the same time shall certify his **or her** expenses incurred and allowable under this section. The state courts administrator shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent and within limitations provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by him **or her**.

4. On or before the twentieth day of each month the state courts administrator shall certify the period of service reported by each senior judge **or senior commissioner** pursuant to subsection 3 of this section to the Missouri state employees' retirement system. Any senior judge **or senior commissioner** accumulating two hundred thirty-five days of such service shall receive credit for one year of judicial service for purposes of sections 476.520 and 476.545, for each two hundred thirty-five days of service certified by the state courts administrator to the Missouri state employees' retirement system, except, if a pro rata portion of two hundred thirty-five days would

cause the senior judge's **or senior commissioner's** total judicial service to equal twelve years, the Missouri state employees' retirement system shall credit the service at the time the pro rata portion is certified. Upon receipt of such certification, the retirement benefit of the senior judge **or senior commissioner** shall be recalculated to reflect the attainment of twelve years; the adjusted benefit will become effective the first of the month following certification.

5. Notwithstanding the provisions of section 476.510 or 476.565, no person shall receive benefits pursuant to the provisions of this section if the person is engaged in the private practice of law or doing a law business.

6. The judicial conference of the state of Missouri shall annually report on the use of senior judges **and senior commissioners** pursuant to this section. Such report shall include at least the number of senior judges **and senior commissioners** assigned, the number of cases assigned and disposed of by senior judges **and senior commissioners**, and the expenditures made for that purpose.

477.087. 1. The official station of each judge of the supreme court and court of appeals may be the locus of the court of which the judge is a member or any circuit court county courthouse located where the judge maintains an actual abode in which the judge customarily lives or at any other office in that county.

2. The presiding judge of the judicial circuit in which a judge of the supreme court or court of appeals has his official station may provide suitable office space, if available, upon request by a judge of the supreme court or court of appeals for use by the judge and the judge's staff personnel.

3. Each judge of the supreme court and court of appeals, upon appointment and from time to time thereafter as changes occur, shall notify the state courts administrator in writing of the judge's official station, if other than the city of the locus of the court of which the judge is a member.

4. Judges of the supreme court and court of appeals and their staff shall [not] be entitled to any state allowances for official travel and mileage to or from their official station and the locus of the court on which the judge sits.

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be two associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants or major fraction thereof.

2. In addition to the associate circuit judges authorized by subsection 1 of this section, one additional associate circuit judge is authorized for each magistrate which was provided in the county pursuant to the provisions of subsection 3 of section 482.010, RSMo, in effect on January

1, 1979. Additional associate circuit judges may be authorized in particular counties by law hereafter enacted.

3. The number of associate circuit judges authorized for the twenty-first judicial circuit shall be reduced by the number of additional circuit judges authorized for the twenty-first judicial circuit, as provided by subsection 2 of section 478.437.

[3.] **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.] **5.** In counties where associate circuit judges are elected, they shall be elected by the county at large.

[5.] **6.** No associate circuit judge shall practice law, or do a law business, nor shall he accept, during his term of office, any public appointment for which he receives compensation for his services.

[6.] **7.** No person shall be elected as an associate circuit judge unless he has resided in the county for which he is to be elected at least one year prior to the date of his election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. **1. Prior to August 28, 1999,** the circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. On and after August 28, 1999, as the number of associate circuit judges are reduced in the twenty-first judicial circuit pursuant to subsection 3 of section 478.320, five additional circuit divisions and five additional circuit judges are authorized for the twenty-first judicial circuit. The procedure for adding these judges shall be as follows:

(1) On and after August 28, 1999, the next five associate circuit judge positions which become vacant shall be considered abolished; and

(2) A vacancy in a circuit judge position shall be deemed to exist, and a circuit judge shall be appointed as provided by sections 25(a) to (g) of article V of the constitution.

The provisions of this subsection shall apply only to the first five vacancies in associate circuit judge positions in the twenty-first judicial circuit which occur on and after August 28, 1999.

478.625. **1. Beginning on January 1, 2003,** there shall be [two] **three** circuit judges in the nineteenth judicial circuit consisting of the county of Cole. [These judges shall sit in divisions numbered one and two.]

2. [The] One circuit judge [in division one] shall be **first** elected in 1982. The **second**

circuit judge [in division two] shall be **first** elected in 1984. **The third circuit judge shall be first elected in 2002.**

3. Effective January 1, 2003, there shall be one less associate circuit judge in Cole county than is provided pursuant to section 478.320.

479.261. 1. In addition to all other court costs for county or municipal ordinance violations, any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters may, by order or ordinance to be effective prior to January 1, [1997] **2000**, provide for an additional surcharge in [an] **the** amount [not to exceed one dollar] **of two dollars** per case for each criminal case including county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo.

2. The state highway patrol shall include in its voluntary system of reporting for compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this subsection only, "domestic violence" shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.

487.020. 1. In each circuit or a county having a family court, a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to

487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and commissioners authorized to hear actions classified under section 487.080.

2. Notwithstanding the provisions of subsection 1 of this section, any county of the first classification having a charter form of government on August 28, 1993, which had appointed only one commissioner of the juvenile division of its circuit court under section 211.023, RSMo, may appoint one commissioner of its family court whose compensation shall be payable by the state in accordance with section 211.023, RSMo, and section 487.190 as a substitute for the commissioner currently authorized under section 211.023 on condition that such section 211.023 position is dismissed and not reappointed. The provisions of this subsection shall not be construed to authorize the appointment of any person as family court commissioner in addition to the commissioners serving in such circuit on the effective date of this act and the purpose of this provision is solely to allow the state to provide compensation rather than the county as is required under section 211.023.

3. Each commissioner of the family court shall possess the same qualifications as a circuit judge. The compensation and retirement benefits of each commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as that of an associate circuit judge.

488.015. The court shall not increase the amount of miscellaneous charges or surcharges allowed by law. The amounts of fees payable to the state of Missouri may be annually adjusted as provided in section 488.012 to the extent that projected total collections for all such fees shall not exceed one hundred four percent of such fees assessed or assessable during the previous year less the amount of such assessed fees attributable to any increase in the judiciary's caseload, provided that the amount of the adjusted fee attributable to each case may be rounded to the nearest dollar. [The supreme court may annually adjust each cost, fee, charge or surcharge so that projected total collections for that cost, fee, charge or surcharge will total an amount not to exceed one hundred four percent of the previous year's collections for that cost, fee, charge or surcharge, provided that the adjusted cost, fee, charge or surcharge shall be rounded to the nearest ten cents. In the event that the total collections for any cost, fee, charge or surcharge exceeds one hundred four percent of the previous year's collections, the supreme court shall reduce such cost,

fee, charge or surcharge so that the projected total collections for the coming year shall be decreased by the amount of excess in the preceding year.] The supreme court rule may provide that in the event that any payment of court costs is made in time or installment payments or by credit card or similar method, the clerk may charge an additional fee for such time or installment payments or in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company. Any change in the amount of fees made by the court pursuant to this section shall take effect on July first of any particular year, provided that the proposed supreme court rule or amendment to a supreme court rule changing the amount of fees shall be published on or before January first of the year in which the rule or amendment is proposed to take effect. Any such rule may be annulled or amended in whole or part in the manner provided by section 5 of article V of the Constitution of the state of Missouri. Any changes in the amount of fees made by the court pursuant to sections 488.010 to 488.020 shall be presented to the general assembly on or before January first of the year in which the rule or amendment is proposed to take effect.

494.455. 1. Each grand and petit juror shall receive six dollars per day, for every day he **or she** may actually serve as such, and seven cents for every mile he **or she** may necessarily travel going from his **or her** place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for the additional juror compensation required by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county.

[3.] The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest.

[4.] Jurors may receive the additional compensation and mileage allowance authorized by [subsections 2 and 3 of this section] **this subsection** only if the governing body of the county or the city not within a county authorizes the additional compensation. [All] **The** provisions of this [section which authorize the granting of] **subsection authorizing** additional compensation shall

terminate upon the issuance of a mandate by the Missouri supreme court which [would result] **results** in the state of Missouri being obligated or required to pay any such additional compensation even [though] **if** such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

[5.] **4.** When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. [Upon approval] **Within thirty days of the submission of the statement of fees**, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

506.363. For the purposes of sections 506.360 to 506.390, "offender" and "correctional center" [are] **shall have the same meaning** as defined in section 217.010, RSMo; **and the terms "court costs" and "fees" shall have the same meaning as defined in section 488.010, RSMo.**

506.369. 1. [The court shall order the offender to pay the full amount of the filing fee.] If the **court receiving a motion pursuant to section 506.366 determines that an** offender is unable to pay the full amount **of court costs due with respect to a case**, the court shall assess a partial payment of the [filing fee which shall be] **fees in the amount of** twenty percent of the greater of the following:

(1) The average monthly deposits to the offender's account for the six-month period immediately preceding the filing of the complaint or notice of appeal requiring the payment of a fee; or

(2) The average monthly balance in the ofdender's account for the six-month period immediately preceding the filing of the complaint or notice of appeal requiring the payment of a fee.

2. [If the balance in the offender's account is less than the amount assessed as the initial partial filing fee, the court shall enter judgment against the offender for the full amount of the filing fee. Payment of such judgment shall be made pursuant to section 506.372.] **If a trial court has entered an order pursuant to subsection 1 of this section upon the filing of plaintiff's petition, the determination of the court shall apply to the case until final judgment is entered by either the trial or an appellate court.**

506.372. [Following payment of an initial partial filing fee, or] If the court has entered [judgment for the initial partial filing fee] **an order for payment of fees in installments pursuant to section 506.369**, the offender shall make monthly payments **to the department of corrections** of twenty percent of the preceding month's income credited to the offender's account until the [filing] fees are paid in full. The [correctional facility having custody of the offender] **department of corrections** shall forward payments from the offender's account to the [clerk of the court] **department of revenue for deposit to the general revenue fund** until the [filing] fees are paid in full. The department of corrections shall establish written guidelines

for the priority of payment consistent with state and federal law.

506.375. Notwithstanding any [filing fee] **court costs** which [has] **have** been paid, the court shall dismiss an offender's civil action or appeal from a judgment in a civil action at any time, including before service on the defendant, if the court determines any of the following:

- (1) The allegation of indigency is untrue;
- (2) The litigation is frivolous, malicious or fails to state a claim upon which relief may be granted; or
- (3) The defendant is immune from the cause of action.

506.390. Before payment of any compensatory damages awarded to an offender in connection with a civil action brought against any correctional facility or against any official or agent of such correctional facility, **the attorney general shall make** reasonable efforts [shall be made] to notify the victims of the crime for which the offender was convicted and incarcerated concerning the pending payment of any such compensatory damages.

508.190. **1.** All the costs and expenses attending any such change of venue, made on the application of either party, shall be taxed against and paid by the petitioner, and shall not be taxed in the costs of the suit; provided, however, that when the change of venue is sought on the grounds of the prejudice of the inhabitants of the county, and the application is controverted by the opposing party, the costs incurred by the opposing party in hearing and determining said application shall be taxed against and paid by the losing party to said application.

2. All court costs paid or payable with respect to any civil case in which venue is transferred which are to be distributed to the county in which the case is filed, shall be paid to the county to which the case is transferred. If any such court costs have been paid by a party prior to the order changing venue, such costs shall be paid by the treasurer of the county in which the case was originally filed, to the county to which the case is transferred.

511.440. **1.** Judgments and decrees obtained in the supreme court or any district of the court of appeals or any United States court or any court of record in this state shall, upon the filing of a transcript thereof in the office of the clerk of the circuit court of any other county and indexing of such transcript as provided in subsection 2 of this section, be a lien upon the real estate of the person against whom such judgment or decree is rendered, situate in the county in which such transcript is filed.

2. Such judgment or decree as provided in subsection 1 of this section shall be entered in the [book] **record** kept by the clerk of the circuit court having jurisdiction of civil causes within a county or a city not within a county, for judgments and decrees of the circuit court of such county as provided in section 511.500, except that the [column for] **record of** entry of such judgment or decree shall also include the name and location of the court that rendered such judgment or decree.

511.450. As soon as such transcript shall be filed in the office of the clerk of the circuit court of any county, the clerk thereof shall forthwith enter the judgment or decree in the judgment docket of said court, in the same manner as is provided for entering judgments rendered in such court; and the clerk shall also record such transcript in a [book] **record** to be kept for that purpose, and shall [note] **record**, both [upon] **in** the judgment docket and [upon] **in** the record of such transcript, the time of filing the same in his office.

514.040. 1. **Except as provided in subsection 3 of this section**, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court.

528.620. Any one or more of two or more joint owners of personal property[, other than boats and vessels,] may file a petition in the circuit court for a partition or a sale and partition of the proceeds thereof, in the same manner as suits may be instituted for the partition and sale of real estate, and like proceedings had thereunder, as near as may be, as provided in cases for the partition of real estate.

536.053. Any member of the general assembly shall have standing to challenge

any rule promulgated by a state agency and may bring such an action pursuant to the provisions of section 536.050. Such member shall not be required to exhaust any administrative remedy and shall be considered a nonstate party.

550.140. The clerk of the court in which any criminal cause shall have been determined or continued generally shall, immediately after the adjournment of the court and before the next succeeding term, [tax] **calculate** all costs which have accrued in the case[; and]. If the state or county [shall be] **is** liable under the provisions of this chapter for [such] costs or any part thereof, he shall make out and deliver forthwith to the prosecuting attorney of said county a complete fee bill, specifying each item of services and the fee therefor. **The circuit clerk shall prepare a bill against the state containing only costs which are payable to the county.**

550.240. In all criminal cases which have been finally determined before an associate circuit judge in which the county shall be liable for any costs incurred therein, the clerk responsible for collecting fees in cases determined by such judge shall certify a complete itemized fee bill thereof to the county commission for payment, which fee bill shall be examined and audited by the prosecuting attorney and the judge. Whenever the state shall be liable under any law for costs incurred in any examination of a felony before any associate circuit judge, or in any misdemeanor case which is not finally determined before an associate circuit judge, the clerk serving such judge shall [make out] **calculate**, certify and return to the clerk of the circuit court of the county a complete [fee bill] **statement of costs**, specifying each item of service and the fee therefor, together with all the papers and docket entries in the case. The clerk of the circuit court shall thereupon make out a fee bill of all such costs which are legally chargeable against the state or county, which shall be examined by the prosecuting attorney. **The circuit clerk shall prepare a bill against the state containing only costs which are payable to the county.** All such fee bills shall thereafter be proceeded with in all respects as in the case of fee bills for costs incurred in cases before circuit judges.

550.260. 1. All criminal court cost bills shall be certified for payment as herein provided, and in addition thereto the circuit clerks of each county shall make copies of all original criminal court cost bills certified to the commissioner of administration for payment, and shall file the same with the treasurers of their respective counties, and the city of St. Louis, at the time of transmitting the original for payment.

2. When criminal court cost bills are certified to the commissioner of administration, warrants shall be drawn on the state treasurer as provided by law, provided that the amounts due to the state contained within such criminal court cost bills may be withheld by the state before payment is made to the counties. **Costs payable to the state contained in such criminal costs bills shall not be reimbursed to the counties, but the county shall be reimbursed only for those costs payable to the county.** Payment shall be transmitted to the treasurer of the county from whence the bill originated, or the city of St. Louis. When any criminal cost bill

shall be certified to the county commission or the comptroller of the city of St. Louis, for payment, the county clerk, or the comptroller of the city of St. Louis, when the same is allowed, shall draw a warrant on the county treasurer or city treasurer in payment thereof, and deliver the same to the county treasurer, or to the treasurer of the city of St. Louis, together with a list of the names of the various parties to whom the fees are due, stating the amount due each person.

3. The treasurers, on receipt of any such warrants and criminal court cost bills, shall record the criminal court cost bills in a well-bound book arranged with appropriate headings, so that the same shall correspond, as near as may be, with the accounts required to be kept by other officers in section 50.470, RSMo.

590.140. 1. A surcharge of [up to] two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification

employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

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Unofficial

Bill

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