

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 615

97TH GENERAL ASSEMBLY

2014

4248S.06T

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## AN ACT

To repeal sections 49.272, 452.556, 476.056, 478.320, 478.437, 478.464, 478.513, 478.600, 483.140, 488.012, 488.014, 488.426, 488.607, 550.040, 550.060, 575.153, and 610.021, RSMo, section 476.385 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 476.385 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the administration of justice, with an existing penalty provision, and an emergency clause for certain sections.

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

Section A. Sections 49.272, 452.556, 476.056, 478.320, 478.437, 478.464, 2 478.513, 478.600, 483.140, 488.012, 488.014, 488.426, 488.607, 550.040, 550.060, 3 575.153, and 610.021, RSMo, section 476.385 as enacted by conference committee 4 substitute for house committee substitute for senate bill no. 23, ninety-seventh 5 general assembly, first regular session, and section 476.385 as enacted by 6 conference committee substitute for senate substitute for senate committee 7 substitute for house bill no. 683, ninety-fifth general assembly, first regular 8 session, are repealed and twenty-one new sections enacted in lieu thereof, to be 9 known as sections 49.272, 57.095, 452.556, 476.056, 476.385, 478.320, 478.437, 10 478.464, 478.513, 478.600, 478.740, 483.140, 488.012, 488.014, 488.426, 488.607, 11 488.2206, 488.2235, 575.153, 610.021, and 1, to read as follows:

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

49.272. The county commission of any county of the first classification  
2 without a charter form of government and with more than one hundred thirty-five  
3 thousand four hundred but less than one hundred thirty-five thousand five  
4 hundred inhabitants, [and in] any county of the first classification without a  
5 charter form of government having a population of at least eighty-two thousand  
6 inhabitants, but less than eighty-two thousand one hundred inhabitants, any  
7 county of the first classification with more than one hundred four thousand six  
8 hundred but fewer than one hundred four thousand seven hundred inhabitants,  
9 any county of the first classification with more than one hundred ninety-eight  
10 thousand but fewer than one hundred ninety-nine thousand two hundred  
11 inhabitants, [and] any county of the first classification with more than two  
12 hundred forty thousand three hundred but less than two hundred forty thousand  
13 four hundred inhabitants, **and any county of the first classification with**  
14 **more than eighty-three thousand but fewer than ninety-two thousand**  
15 **inhabitants and with a home rule city with more than seventy-six**  
16 **thousand but fewer than ninety-one thousand inhabitants as the county**  
17 **seat**, which has an appointed county counselor and which adopts or has adopted  
18 rules, regulations or ordinances under authority of a statute which prescribes or  
19 authorizes a violation of such rules, regulations or ordinances to be a  
20 misdemeanor punishable as provided by law, may by rule, regulation or ordinance  
21 impose a civil fine not to exceed one thousand dollars for each violation. Any  
22 fines imposed and collected under such rules, regulations or ordinances shall be  
23 payable to the county general fund to be used to pay for the cost of enforcement  
24 of such rules, regulations or ordinances.

**57.095. Notwithstanding the provisions of section 537.600 to the**  
2 **contrary, sheriffs or any other law enforcement officers shall have**  
3 **immunity from any liability, civil or criminal, while conducting service**  
4 **of process at the direction of any court to the extent that the officers'**  
5 **actions do not violate clearly established statutory or constitutional**  
6 **rights of which a reasonable person would have known.**

452.556. 1. The state courts administrator shall create a handbook or be  
2 responsible for the approval of a handbook outlining the following:

- 3 (1) What is included in a parenting plan;
- 4 (2) The benefits of the parties agreeing to a parenting plan which outlines  
5 education, custody and cooperation between parents;
- 6 (3) The benefits of alternative dispute resolution;

7 (4) The pro se family access motion for enforcement of custody or  
8 temporary physical custody;

9 (5) The underlying assumptions for supreme court rules relating to child  
10 support; and

11 (6) A party's duties and responsibilities pursuant to section 452.377,  
12 including the possible consequences of not complying with section 452.377. The  
13 handbooks shall be distributed to each court and shall be available in an  
14 alternative format, including Braille, large print, or electronic or audio format  
15 upon request by a person with a disability, as defined by the federal Americans  
16 with Disabilities Act.

17 2. Each court shall [mail] **provide** a copy of the handbook developed  
18 pursuant to subsection 1 of this section to each party in a dissolution or legal  
19 separation action filed pursuant to section 452.310, or any proceeding in  
20 modification thereof, where minor children are involved, or may provide the  
21 petitioner with a copy of the handbook at the time the petition is filed and direct  
22 that a copy of the handbook be served along with the petition and summons upon  
23 the respondent.

24 3. The court shall make the handbook available to interested state  
25 agencies and members of the public.

476.056. 1. Any city, county, village or other municipality may provide  
2 for automation of its municipal court pursuant to subsection 3 of section 476.055,  
3 in the manner provided in this section. In order to make such provisions, such  
4 municipality must:

5 (1) Adopt an ordinance imposing the surcharge in the amount allowed,  
6 and payable in the manner provided, by section [476.053] **488.027**, and sections  
7 488.010 to 488.020;

8 (2) Enter into an agreement with the state courts administrator for  
9 automation of the municipality's court. Such agreement may provide for  
10 continuation of the surcharge for a minimum period of time, payable to the fund  
11 established by section 476.055, or a special fund established in the state treasury  
12 for such purpose upon expiration of section 476.055, for payment of a guaranteed  
13 minimum annual amount in the event that payment of such surcharges shall not  
14 offset the cost of the automation of the municipality's court; and such other terms  
15 as may be agreed on between the municipality and the state courts administrator.

16 2. Notwithstanding the provisions of section [476.053] **488.027**, the  
17 payment of any surcharge provided by this section may continue for a period in

18 excess of that allowed by section [476.053] **488.027** for payment of surcharges in  
19 the circuit courts. The provisions of section 33.080 shall not apply to any special  
20 fund established pursuant to this section.

476.385. 1. The judges of the supreme court may appoint a committee  
2 consisting of at least seven associate circuit judges, who shall meet en banc and  
3 establish and maintain a schedule of fines to be paid for violations of sections  
4 [210.104,] 577.070[,] and 577.073, and chapters 252, 301, 302, 304, 306, 307 and  
5 390, with such fines increasing in proportion to the severity of the violation. The  
6 associate circuit judges of each county may meet en banc and adopt the schedule  
7 of fines and participation in the centralized bureau pursuant to this  
8 section. Notice of such adoption and participation shall be given in the manner  
9 provided by supreme court rule. Upon order of the supreme court, the associate  
10 circuit judges of each county may meet en banc and establish and maintain a  
11 schedule of fines to be paid for violations of municipal ordinances for cities, towns  
12 and villages electing to have violations of its municipal ordinances heard by  
13 associate circuit judges, pursuant to section 479.040; and for traffic court  
14 divisions established pursuant to section 479.500. The schedule of fines adopted  
15 for violations of municipal ordinances may be modified from time to time as the  
16 associate circuit judges of each county en banc deem advisable. No fine  
17 established pursuant to this subsection may exceed the maximum amount  
18 specified by statute or ordinance for such violation.

19 2. In no event shall any schedule of fines adopted pursuant to this section  
20 include offenses involving the following:

21 (1) Any violation resulting in personal injury or property damage to  
22 another person;

23 (2) Operating a motor vehicle while intoxicated or under the influence of  
24 intoxicants or drugs;

25 (3) Operating a vehicle with a counterfeited, altered, suspended or  
26 revoked license;

27 (4) Fleeing or attempting to elude an officer.

28 3. There shall be a centralized bureau to be established by supreme court  
29 rule in order to accept pleas of not guilty or guilty and payments of fines and  
30 court costs for violations of the laws and ordinances described in subsection 1 of  
31 this section, made pursuant to a schedule of fines established pursuant to this  
32 section. The centralized bureau shall collect, with any plea of guilty and payment  
33 of a fine, all court costs which would have been collected by the court of the

34 jurisdiction from which the violation originated.

35           4. If a person elects not to contest the alleged violation, the person shall  
36 send payment in the amount of the fine and any court costs established for the  
37 violation to the centralized bureau. Such payment shall be payable to the central  
38 violations bureau, shall be made by mail or in any other manner established by  
39 the centralized bureau, and shall constitute a plea of guilty, waiver of trial and  
40 a conviction for purposes of section 302.302, and for purposes of imposing any  
41 collateral consequence of a criminal conviction provided by law. By paying the  
42 fine and costs, the person also consents to attendance either online or in person  
43 at any driver-improvement program or motorcycle-rider training course ordered  
44 by the court and consents to verification of such attendance as directed by the  
45 bureau. Notwithstanding any provision of law to the contrary, the prosecutor  
46 shall not be required to sign any information, ticket or indictment if disposition  
47 is made pursuant to this subsection. In the event that any payment is made  
48 pursuant to this section by credit card or similar method, the centralized bureau  
49 may charge an additional fee in order to reflect any transaction cost, surcharge  
50 or fee imposed on the recipient of the credit card payment by the credit card  
51 company.

52           5. If a person elects to plead not guilty, such person shall send the plea  
53 of not guilty to the centralized bureau. The bureau shall send such plea and  
54 request for trial to the prosecutor having original jurisdiction over the  
55 offense. Any trial shall be conducted at the location designated by the court. The  
56 clerk of the court in which the case is to be heard shall notify in writing such  
57 person of the date certain for the disposition of such charges. The prosecutor  
58 shall not be required to sign any information, ticket or indictment until the  
59 commencement of any proceeding by the prosecutor with respect to the notice of  
60 violation.

61           6. In courts adopting a schedule of fines pursuant to this section, any  
62 person receiving a notice of violation pursuant to this section shall also receive  
63 written notification of the following:

64           (1) The fine and court costs established pursuant to this section for the  
65 violation or information regarding how the person may obtain the amount of the  
66 fine and court costs for the violation;

67           (2) That the person must respond to the notice of violation by paying the  
68 prescribed fine and court costs, or pleading not guilty and appearing at trial, and  
69 that other legal penalties prescribed by law may attach for failure to appear and

70 dispose of the violation. The supreme court may modify the suggested forms for  
71 uniform complaint and summons for use in courts adopting the procedures  
72 provided by this section, in order to accommodate such required written  
73 notifications.

74           7. Any moneys received in payment of fines and court costs pursuant to  
75 this section shall not be considered to be state funds, but shall be held in trust  
76 by the centralized bureau for benefit of those persons or entities entitled to  
77 receive such funds pursuant to this subsection. All amounts paid to the  
78 centralized bureau shall be maintained by the centralized bureau, invested in the  
79 manner required of the state treasurer for state funds by sections 30.240, 30.250,  
80 30.260 and 30.270, and disbursed as provided by the constitution and laws of this  
81 state. Any interest earned on such fund shall be payable to the director of the  
82 department of revenue for deposit into a revolving fund to be established  
83 pursuant to this subsection. The state treasurer shall be the custodian of the  
84 revolving fund, and shall make disbursements, as allowed by lawful  
85 appropriations, only to the judicial branch of state government for goods and  
86 services related to the administration of the judicial system.

87           8. Any person who receives a notice of violation subject to this section who  
88 fails to dispose of such violation as provided by this section shall be guilty of  
89 failure to appear provided by section 544.665; and may be subject to suspension  
90 of driving privileges in the manner provided by section 302.341. The centralized  
91 bureau shall notify the appropriate prosecutor of any person who fails to either  
92 pay the prescribed fine and court costs, or plead not guilty and request a trial  
93 within the time allotted by this section, for purposes of application of section  
94 544.665. The centralized bureau shall also notify the department of revenue of  
95 any failure to appear subject to section 302.341, and the department shall  
96 thereupon suspend the license of the driver in the manner provided by section  
97 302.341, as if notified by the court.

98           9. In addition to the remedies provided by subsection 8 of this section, the  
99 centralized bureau and the courts may use the remedies provided by sections  
100 488.010 to 488.020 for the collection of court costs payable to courts, in order to  
101 collect fines and court costs for violations subject to this section.

          [476.385. 1. The judges of the supreme court may appoint  
2           a committee consisting of at least seven associate circuit judges,  
3           who shall meet en banc and establish and maintain a schedule of  
4           fines to be paid for violations of sections 210.104, 577.070, and

5 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with  
6 such fines increasing in proportion to the severity of the  
7 violation. The associate circuit judges of each county may meet en  
8 banc and adopt the schedule of fines and participation in the  
9 centralized bureau pursuant to this section. Notice of such  
10 adoption and participation shall be given in the manner provided  
11 by supreme court rule. Upon order of the supreme court, the  
12 associate circuit judges of each county may meet en banc and  
13 establish and maintain a schedule of fines to be paid for violations  
14 of municipal ordinances for cities, towns and villages electing to  
15 have violations of its municipal ordinances heard by associate  
16 circuit judges, pursuant to section 479.040; and for traffic court  
17 divisions established pursuant to section 479.500. The schedule of  
18 fines adopted for violations of municipal ordinances may be  
19 modified from time to time as the associate circuit judges of each  
20 county en banc deem advisable. No fine established pursuant to  
21 this subsection may exceed the maximum amount specified by  
22 statute or ordinance for such violation.

23 2. In no event shall any schedule of fines adopted pursuant  
24 to this section include offenses involving the following:

25 (1) Any violation resulting in personal injury or property  
26 damage to another person;

27 (2) Operating a motor vehicle while intoxicated or under the  
28 influence of intoxicants or drugs;

29 (3) Operating a vehicle with a counterfeited, altered,  
30 suspended or revoked license;

31 (4) Fleeing or attempting to elude an officer.

32 3. There shall be a centralized bureau to be established by  
33 supreme court rule in order to accept pleas of not guilty or guilty  
34 and payments of fines and court costs for violations of the laws and  
35 ordinances described in subsection 1 of this section, made pursuant  
36 to a schedule of fines established pursuant to this section. The  
37 centralized bureau shall collect, with any plea of guilty and  
38 payment of a fine, all court costs which would have been collected  
39 by the court of the jurisdiction from which the violation originated.

40 4. If a person elects not to contest the alleged violation, the

41 person shall send payment in the amount of the fine and any court  
42 costs established for the violation to the centralized bureau. Such  
43 payment shall be payable to the central violations bureau, shall be  
44 made by mail or in any other manner established by the  
45 centralized bureau, and shall constitute a plea of guilty, waiver of  
46 trial and a conviction for purposes of section 302.302, and for  
47 purposes of imposing any collateral consequence of a criminal  
48 conviction provided by law. By paying the fine and costs, the  
49 person also consents to attendance at any driver-improvement  
50 program or motorcycle-rider training course ordered by the court  
51 and consents to verification of such attendance as directed by the  
52 bureau. Notwithstanding any provision of law to the contrary, the  
53 prosecutor shall not be required to sign any information, ticket or  
54 indictment if disposition is made pursuant to this subsection. In  
55 the event that any payment is made pursuant to this section by  
56 credit card or similar method, the centralized bureau may charge  
57 an additional fee in order to reflect any transaction cost, surcharge  
58 or fee imposed on the recipient of the credit card payment by the  
59 credit card company.

60 5. If a person elects to plead not guilty, such person shall  
61 send the plea of not guilty to the centralized bureau. The bureau  
62 shall send such plea and request for trial to the prosecutor having  
63 original jurisdiction over the offense. Any trial shall be conducted  
64 at the location designated by the court. The clerk of the court in  
65 which the case is to be heard shall notify in writing such person of  
66 the date certain for the disposition of such charges. The prosecutor  
67 shall not be required to sign any information, ticket or indictment  
68 until the commencement of any proceeding by the prosecutor with  
69 respect to the notice of violation.

70 6. In courts adopting a schedule of fines pursuant to this  
71 section, any person receiving a notice of violation pursuant to this  
72 section shall also receive written notification of the following:

73 (1) The fine and court costs established pursuant to this  
74 section for the violation or information regarding how the person  
75 may obtain the amount of the fine and court costs for the violation;

76 (2) That the person must respond to the notice of violation

77 by paying the prescribed fine and court costs, or pleading not guilty  
78 and appearing at trial, and that other legal penalties prescribed by  
79 law may attach for failure to appear and dispose of the  
80 violation. The supreme court may modify the suggested forms for  
81 uniform complaint and summons for use in courts adopting the  
82 procedures provided by this section, in order to accommodate such  
83 required written notifications.

84 7. Any moneys received in payment of fines and court costs  
85 pursuant to this section shall not be considered to be state funds,  
86 but shall be held in trust by the centralized bureau for benefit of  
87 those persons or entities entitled to receive such funds pursuant to  
88 this subsection. All amounts paid to the centralized bureau shall  
89 be maintained by the centralized bureau, invested in the manner  
90 required of the state treasurer for state funds by sections 30.240,  
91 30.250, 30.260 and 30.270, and disbursed as provided by the  
92 constitution and laws of this state. Any interest earned on such  
93 fund shall be payable to the director of the department of revenue  
94 for deposit into a revolving fund to be established pursuant to this  
95 subsection. The state treasurer shall be the custodian of the  
96 revolving fund, and shall make disbursements, as allowed by lawful  
97 appropriations, only to the judicial branch of state government for  
98 goods and services related to the administration of the judicial  
99 system.

100 8. Any person who receives a notice of violation subject to  
101 this section who fails to dispose of such violation as provided by  
102 this section shall be guilty of failure to appear provided by section  
103 544.665; and may be subject to suspension of driving privileges in  
104 the manner provided by section 302.341. The centralized bureau  
105 shall notify the appropriate prosecutor of any person who fails to  
106 either pay the prescribed fine and court costs, or plead not guilty  
107 and request a trial within the time allotted by this section, for  
108 purposes of application of section 544.665. The centralized bureau  
109 shall also notify the department of revenue of any failure to appear  
110 subject to section 302.341, and the department shall thereupon  
111 suspend the license of the driver in the manner provided by section  
112 302.341, as if notified by the court.

113                   9. In addition to the remedies provided by subsection 8 of  
114                   this section, the centralized bureau and the courts may use the  
115                   remedies provided by sections 488.010 to 488.020 for the collection  
116                   of court costs payable to courts, in order to collect fines and court  
117                   costs for violations subject to this section.]

                  478.320. 1. In counties having a population of thirty thousand or less,  
2                   there shall be one associate circuit judge. In counties having a population of  
3                   more than thirty thousand and less than one hundred thousand, there shall be  
4                   two associate circuit judges. In counties having a population of one hundred  
5                   thousand or more, there shall be three associate circuit judges and one additional  
6                   associate circuit judge for each additional one hundred thousand inhabitants.

7                   2. [When the office of state courts administrator indicates in an annual  
8                   judicial weighted workload model for three consecutive years or more the need for  
9                   four or more full-time judicial positions in any judicial circuit having a population  
10                  of one hundred thousand or more, there shall be one additional associate circuit  
11                  judge position in such circuit for every four full-time judicial positions needed as  
12                  indicated in the weighted workload model. In a multicounty circuit, the  
13                  additional associate circuit judge positions shall be apportioned among the  
14                  counties in the circuit on the basis of population, starting with the most populous  
15                  county, then the next most populous county, and so forth.

16                  3.] For purposes of this section, notwithstanding the provisions of section  
17                  1.100, population of a county shall be determined on the basis of the last previous  
18                  decennial census of the United States; and, beginning after certification of the  
19                  year 2000 decennial census, on the basis of annual population estimates prepared  
20                  by the United States Bureau of the Census, provided that the number of associate  
21                  circuit judge positions in a county shall be adjusted only after population  
22                  estimates for three consecutive years indicate population change in the county to  
23                  a level provided by subsection 1 of this section.

24                  [4.] 3. Except in circuits where associate circuit judges are selected under  
25                  the provisions of Sections 25(a) to (g) of Article V of the constitution, the election  
26                  of associate circuit judges shall in all respects be conducted as other elections and  
27                  the returns made as for other officers.

28                  [5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the  
29                  constitution, associate circuit judges shall be elected by the county at large.

30                  [6.] 5. No associate circuit judge shall practice law, or do a law business,  
31                  nor shall he or she accept, during his or her term of office, any public

32 appointment for which he or she receives compensation for his or her services.

33 [7.] **6.** No person shall be elected as an associate circuit judge unless he  
34 or she has resided in the county for which he or she is to be elected at least one  
35 year prior to the date of his or her election; provided that, a person who is  
36 appointed by the governor to fill a vacancy may file for election and be elected  
37 notwithstanding the provisions of this subsection.

478.437. [The circuit court of the county of St. Louis, comprising circuit  
2 number twenty-one, shall be composed of nineteen divisions and nineteen judges]

3 **1. Beginning in fiscal year 2015, there shall be twenty circuit**  
4 **judges in the twenty-first judicial circuit. These judges shall sit in**  
5 **twenty divisions**, and each of the judges shall separately try causes, exercise  
6 the powers and perform all the duties imposed upon circuit judges.

7 **2. Beginning in fiscal year 2015, there shall be one additional**  
8 **associate circuit judge position in the twenty-first judicial circuit. This**  
9 **associate circuit judgeship shall not be included in the statutory**  
10 **formula for authorizing additional judgeships per county under section**  
11 **478.320.**

478.464. [1.] In the sixteenth judicial circuit, [associate circuit divisions  
2 shall hereafter be numbered beginning with the number 25:

3 (1) Division 101 shall hereafter be division 25;

4 (2) Division 102 shall hereafter be division 26;

5 (3) Division 103 shall hereafter be division 27;

6 (4) Division 104 shall hereafter be division 28;

7 (5) Division 105 shall hereafter be division 29;

8 (6) Division 106 shall hereafter be division 30;

9 (7) Division 107 shall hereafter be division 31; and

10 (8) Division 108 shall hereafter be division 32.

11 2. Twelve months after construction of two new courtrooms in  
12 Independence is completed, there shall be one additional associate circuit judge  
13 in the sixteenth judicial circuit, to be known as division 33. The presiding judge  
14 of such circuit shall certify to the state of administration office the actual date of  
15 completion of said construction.

16 **3.] there shall be ten associate circuit judges. These judges shall**  
17 **sit in ten divisions, which shall be numbered beginning with the**  
18 **number 25.** Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and  
19 divisions 28, 30, 32, and 33 shall sit in Independence. **Division 34 shall sit in**

20 **the location determined by the court en banc. The tenth associate**  
21 **circuit judgeship shall not be included in the statutory formula for**  
22 **authorizing additional associate circuit judgeships per county under**  
23 **section 478.320.**

478.513. 1. There shall be five circuit judges in the thirty-first judicial  
2 circuit [consisting of the county of Greene]. These judges shall sit in divisions  
3 numbered one, two, three, four and five.

4 2. The circuit judge in division three shall be elected in 1980. The circuit  
5 judges in divisions one, four and five shall be elected in 1982. The circuit judge  
6 in division two shall be elected in 1984.

7 **3. Beginning in fiscal year 2015, there shall be one additional**  
8 **associate circuit judge in the thirty-first judicial circuit, and there shall**  
9 **continue to be the associate judge position authorized in fiscal year**  
10 **2014. Neither associate circuit judgeship shall be included in the**  
11 **statutory formula for authorizing additional associate circuit**  
12 **judgeships per county under section 478.320.**

478.600. 1. There shall be four circuit judges in the eleventh judicial  
2 circuit [consisting of the county of St. Charles]. These judges shall sit in  
3 divisions numbered one, two, three and four. Beginning on January 1, 2007,  
4 there shall be six circuit judges in the eleventh judicial circuit and these judges  
5 shall sit in divisions numbered one, two, three, four, five, and seven. The division  
6 five associate circuit judge position and the division seven associate circuit judge  
7 position shall become circuit judge positions beginning January 1, 2007, and shall  
8 be numbered as divisions five and seven.

9 2. The circuit judge in division two shall be elected in 1980. The circuit  
10 judge in division four shall be elected in 1982. The circuit judge in division one  
11 shall be elected in 1984. The circuit judge in division three shall be elected in  
12 1992. The circuit judges in divisions five and seven shall be elected for a six-year  
13 term in 2006.

14 3. Beginning January 1, 2007, the family court commissioner positions in  
15 the eleventh judicial circuit appointed under section 487.020 shall become  
16 associate circuit judge positions in all respects and shall be designated as  
17 divisions nine and ten respectively. These positions may retain the duties and  
18 responsibilities with regard to the family court. The associate circuit judges in  
19 divisions nine and ten shall be elected in 2006 for full four-year terms.

20 4. Beginning on January 1, 2007, the drug court commissioner position in

21 the eleventh judicial circuit appointed under section 478.003 shall become an  
22 associate circuit judge position in all respects and shall be designated as division  
23 eleven. This position retains the duties and responsibilities with regard to the  
24 drug court. Such associate circuit judge shall be elected in 2006 for a full four-  
25 year term. This associate circuit judgeship shall not be included in the statutory  
26 formula for authorizing additional associate circuit judgeships per county under  
27 section 478.320.

28 **5. Beginning in fiscal year 2015, there shall be one additional**  
29 **associate circuit judge position in the eleventh judicial circuit. The**  
30 **associate circuit judge shall be elected in 2016. This associate circuit**  
31 **judgeship shall not be included in the statutory formula for authorizing**  
32 **additional circuit judgeships per county under section 478.320.**

478.740. 1. **There shall be two circuit judges in the thirty-eighth**  
2 **judicial circuit. These judges shall sit in divisions numbered one and**  
3 **two.**

4 **2. The circuit judge in division two shall be elected in 2016, and**  
5 **such judicial position shall not be considered vacant or filled until**  
6 **January 1, 2017. The judge in division one shall be elected in 2018.**

483.140. It shall be the special duty of every judge of a court of record to  
2 examine into and superintend the manner in which the rolls and records of the  
3 court are made up and kept; to prescribe orders that will procure uniformity,  
4 regularity and accuracy in the transaction of the business of the court; to require  
5 that the records and files be properly maintained and entries be made at the  
6 proper times as required by law or supreme court rule, and that the duties of the  
7 clerks be performed according to law and supreme court rule; and if any clerk fail  
8 to comply with the law, the court shall proceed against him as for a  
9 misdemeanor. **The provisions of this section shall not be construed to**  
10 **permit the adoption of any local court rule that grants a judge the**  
11 **discretion to remove or direct the removal of any pleading, file, or**  
12 **communication from a court file or record without the agreement of all**  
13 **parties.**

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state  
2 responsible for collecting court costs shall collect the court costs authorized by  
3 statute, in such amounts as are authorized by supreme court rule adopted  
4 pursuant to sections 488.010 to 488.020. Court costs due and payable prior to  
5 July 1, 1997, shall not be affected by the adoption of this rule.

6           2. The supreme court shall set the amount of court costs authorized by  
7 statute, at levels to produce revenue which shall not substantially exceed the  
8 total of the proportion of the costs associated with administration of the judicial  
9 system defrayed by fees, miscellaneous charges and surcharges.

10           3. Prior to adjustment by the supreme court, the following fees, costs and  
11 charges shall be collected:

12           (1) Five dollars for the filing of a lien, pursuant to section 429.090;

13           (2) Ten dollars for maintaining child support enforcement records,  
14 pursuant to section 452.345;

15           (3) Ten dollars for a notice to a judgment creditor of a distributee,  
16 pursuant to section 473.618;

17           (4) Three dollars for receiving and keeping a will, pursuant to section  
18 474.510;

19           (5) Seven dollars for the statewide court automation fund, pursuant to  
20 section [476.053] **488.027**;

21           (6) Twelve dollars for municipal court costs, fifteen dollars for municipal  
22 ordinance violations filed before an associate circuit judge and thirty dollars for  
23 applications for a trial de novo of a municipal ordinance violation, pursuant to  
24 section 479.260;

25           (7) Five dollars for small claims court cases where less than one hundred  
26 dollars is in dispute, and ten dollars in all other small claims court cases,  
27 pursuant to section 482.345;

28           (8) Fifty dollars for appeals, pursuant to section 483.500;

29           (9) Fifteen dollars in misdemeanor cases where there is no application for  
30 trial de novo, pursuant to section 483.530;

31           (10) Forty-five dollars for applications for a trial de novo for misdemeanor  
32 cases, pursuant to section 483.530;

33           (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant  
34 to section 483.530;

35           (12) Thirty dollars for each information or indictment filed in felony cases,  
36 pursuant to section 483.530;

37           (13) Fifteen dollars for each associate circuit court case filed, and one  
38 dollar for each additional summons issued in such cases, pursuant to section  
39 483.530;

40           (14) Forty-five dollars for applications for trial de novo from small claims  
41 court and associate circuit court and forty-five dollars for filing of other cases,

42 pursuant to section 483.530;

43 (15) One dollar and fifty cents for a certificate of naturalization, pursuant  
44 to section 483.535;

45 (16) When letters are applied for in probate proceedings, pursuant to  
46 section 483.580, when the value of the estate is:

47 (a) Less than \$10,000 \$ 75.00

48 (b) From \$10,000 to \$25,000 115.00

49 (c) From \$25,000 to \$50,000 155.00

50 (d) From \$50,000 to \$100,000 245.00

51 (e) From \$100,000 to \$500,000 305.00

52 (f) More than \$500,000 365.00;

53 (17) Thirty dollars for each additional twelve months a decedent's estate  
54 remains open, pursuant to section 483.580;

55 (18) In proceedings regarding guardianships and conservatorships,  
56 pursuant to section 483.580:

57 (a) Twenty-five dollars for each grant of letters for guardianship of a  
58 minor;

59 (b) Fifty dollars for each grant of letters for guardianship of an  
60 incapacitated person;

61 (c) Sixty dollars for each grant of letters for guardianship of the person  
62 and conservatorship of the estate of a minor;

63 (d) Twenty-five dollars for each additional twelve months a  
64 conservatorship of a minor's estate case remains open;

65 (e) Seventy-five dollars for each grant of letters in guardianship and  
66 conservatorship of incapacitated persons and their estates;

67 (f) Thirty dollars for each additional twelve months an incapacitated  
68 person's case remains open;

69 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse  
70 or an unmarried minor child and thirty dollars for a certified copy of such orders,  
71 pursuant to section 483.580;

72 (20) In probate proceedings, pursuant to section 483.580:

73 (a) Thirty-five dollars for the collection of small estates;

74 (b) Thirty-five dollars for involuntary hospitalization proceedings;

75 (c) Thirty dollars for proceedings to determine heirship;

76 (d) Fifteen dollars for assessment of estate taxes where no letters are  
77 granted;

78 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident  
79 conservator;

80 (f) Forty dollars for proceedings to dispense with administration;

81 (g) Twenty dollars for proceedings to dispense with conservatorship;

82 (h) Twenty-five dollars for admitting a will to probate;

83 (i) One dollar per copied page and one dollar and fifty cents per  
84 certificate;

85 (21) One dollar and fifty cents per page for testimony transcription,  
86 pursuant to section [485.100] **488.2250**;

87 (22) Fifteen dollars for court reporters, pursuant to section [485.120]  
88 **488.2253**;

89 (23) Three dollars for witness fees per day, and four dollars when the  
90 witness must travel to another county, pursuant to section 491.280.

488.014. No court of record in this state, municipal division of the circuit  
2 court, or any entity collecting court costs on their behalf shall be required to  
3 refund any overpayment of court costs in an amount not exceeding five dollars or  
4 to collect any due court costs in an amount of less than five dollars. Any such  
5 overpaid funds may be retained by the county for the operation of the circuit  
6 court, **except any overpaid funds owed to a municipal division of the**  
7 **circuit court may be retained by the municipality for the operation of**  
8 **the municipal court.**

488.426. 1. The judges of the circuit court, en banc, in any circuit in this  
2 state may require any party filing a civil case in the circuit court, at the time of  
3 filing the suit, to deposit with the clerk of the court a surcharge in addition to all  
4 other deposits required by law or court rule. Sections 488.426 to 488.432 shall  
5 not apply to proceedings when costs are waived or are to be paid by the county  
6 or state or any city.

7 2. The surcharge in effect on August 28, 2001, shall remain in effect until  
8 changed by the circuit court. The circuit court in any circuit, except the circuit  
9 court in Jackson County or the circuit court in any circuit that reimburses the  
10 state for the salaries of family court commissioners under and pursuant to section  
11 487.020, may change the fee to any amount not to exceed fifteen dollars. The  
12 circuit court in Jackson County or the circuit court in any circuit that reimburses  
13 the state for the salaries of family court commissioners under and pursuant to  
14 section 487.020 may change the fee to any amount not to exceed twenty dollars.  
15 A change in the fee shall become effective and remain in effect until further

16 changed.

17 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs  
18 are waived or are paid by the county or state or any city.

19 4. In addition to any fee authorized by subsection 1 of this section, any  
20 county of the first classification with more than [ninety-three thousand eight  
21 hundred but less than ninety-three thousand nine hundred inhabitants] **one  
22 hundred one thousand but fewer than one hundred fifteen thousand  
23 inhabitants** may impose an additional fee of ten dollars excluding cases  
24 concerning adoption and those in small claims court. The provisions of this  
25 subsection shall expire on December 31, [2014] **2019**.

488.607. The governing body of any county or any city having a shelter for  
2 victims of domestic violence established pursuant to sections 455.200 to 455.230,  
3 or any municipality within a county which has such shelter, or any county or  
4 municipality whose residents are victims of domestic violence and are admitted  
5 to such shelters in another county, may, by order or ordinance provide for an  
6 additional surcharge in [the] **an** amount of [two] **up to four** dollars per case for  
7 each criminal case, including violations of any county or municipal ordinance. No  
8 surcharge shall be collected in any proceeding when the proceeding or defendant  
9 has been dismissed by the court or when costs are to be paid by the state, county  
10 or municipality. Such surcharges collected by municipal clerks in municipalities  
11 electing or required to have violations of municipal ordinances tried before a  
12 municipal judge pursuant to section 479.020, or to employ judicial personnel  
13 pursuant to section 479.060, shall be disbursed to the city at least monthly, and  
14 such surcharges collected by circuit court clerks shall be collected and disbursed  
15 as provided by sections 488.010 to 488.020. Such fees shall be payable to the city  
16 or county wherein such fees originated. The county or city shall use such moneys  
17 only for the purpose of providing operating expenses for shelters for battered  
18 persons as defined in sections 455.200 to 455.230.

**488.2206. 1. In addition to all court fees and costs prescribed by  
2 law, a surcharge of up to ten dollars shall be assessed as costs in each  
3 court proceeding filed in any court within the thirty-first judicial  
4 circuit in all criminal cases including violations of any county or  
5 municipal ordinance or any violation of a criminal or traffic law of the  
6 state, including an infraction, except that no such surcharge shall be  
7 collected in any proceeding in any court when the proceeding or  
8 defendant has been dismissed by the court or when costs are to be paid**

9 by the state, county, or municipality. For violations of the general  
10 criminal laws of the state or county ordinances, no such surcharge shall  
11 be collected unless it is authorized, by order, ordinance, or resolution  
12 by the county government where the violation occurred. For violations  
13 of municipal ordinances, no such surcharge shall be collected unless it  
14 is authorized, by order, ordinance, or resolution by the municipal  
15 government where the violation occurred. Such surcharges shall be  
16 collected and disbursed by the clerk of each respective court  
17 responsible for collecting court costs in the manner provided by  
18 sections 488.010 to 488.020, and shall be payable to the treasurer of the  
19 political subdivision authorizing such surcharge.

20 2. Each county or municipality shall use all funds received  
21 pursuant to this section only to pay for the costs associated with the  
22 land assemblage and purchase, construction, maintenance, and  
23 operation of any county or municipal judicial facility including, but not  
24 limited to, debt service, utilities, maintenance, and building  
25 security. The county or municipality shall maintain records identifying  
26 such operating costs, and any moneys not needed for the operating  
27 costs of the county or municipal judicial facility shall be transmitted  
28 quarterly to the general revenue fund of the county or municipality  
29 respectively.

488.2235. 1. In addition to all other court costs for municipal  
2 ordinance violations, any home rule city with more than four hundred  
3 thousand inhabitants and located in more than one county may provide  
4 for additional court costs in an amount up to five dollars per case for  
5 each municipal ordinance violation case filed before a municipal  
6 division judge or associate circuit judge.

7 2. The judge may waive the assessment of the cost in those cases  
8 where the defendant is found by the judge to be indigent and unable to  
9 pay the costs.

10 3. Such cost shall be collected by the clerk and disbursed to the  
11 city at least monthly. The city shall use such additional costs only for  
12 the restoration, maintenance and upkeep of the municipal  
13 courthouse. The costs collected may be pledged to directly or  
14 indirectly secure bonds for the cost of restoration, maintenance and  
15 upkeep of the courthouse.

16 4. The provisions of this section shall expire August 28, 2021.

575.153. 1. A person commits the crime of disarming a peace officer, as  
2 defined in section [590.100] **590.010**, or a correctional officer if such person  
3 intentionally:

4 (1) Removes a firearm [or other], deadly weapon, **or less-lethal weapon,**  
5 **to include blunt impact, chemical or conducted energy devices, used in**  
6 **the performance of his or her official duties** from the person of a peace  
7 officer or correctional officer while such officer is acting within the scope of his  
8 or her official duties; or

9 (2) Deprives a peace officer or correctional officer of such officer's use of  
10 a firearm [or], deadly weapon, **or any other equipment described in**  
11 **subdivision (1) of this subsection** while the officer is acting within the scope  
12 of his or her official duties.

13 2. The provisions of this section shall not apply when:

14 (1) The defendant does not know or could not reasonably have known that  
15 the person he or she disarmed was a peace officer or correctional officer; or

16 (2) The peace officer or correctional officer was engaged in an incident  
17 involving felonious conduct by the peace officer or correctional officer at the time  
18 the defendant disarmed such officer.

19 3. Disarming a peace officer or correctional officer is a class C felony.

610.021. Except to the extent disclosure is otherwise required by law, a  
2 public governmental body is authorized to close meetings, records and votes, to  
3 the extent they relate to the following:

4 (1) Legal actions, causes of action or litigation involving a public  
5 governmental body and any confidential or privileged communications between  
6 a public governmental body or its representatives and its attorneys. However,  
7 any minutes, vote or settlement agreement relating to legal actions, causes of  
8 action or litigation involving a public governmental body or any agent or entity  
9 representing its interests or acting on its behalf or with its authority, including  
10 any insurance company acting on behalf of a public government body as its  
11 insured, shall be made public upon final disposition of the matter voted upon or  
12 upon the signing by the parties of the settlement agreement, unless, prior to final  
13 disposition, the settlement agreement is ordered closed by a court after a written  
14 finding that the adverse impact to a plaintiff or plaintiffs to the action clearly  
15 outweighs the public policy considerations of section 610.011, however, the  
16 amount of any moneys paid by, or on behalf of, the public governmental body  
17 shall be disclosed; provided, however, in matters involving the exercise of the

18 power of eminent domain, the vote shall be announced or become public  
19 immediately following the action on the motion to authorize institution of such  
20 a legal action. Legal work product shall be considered a closed record;

21 (2) Leasing, purchase or sale of real estate by a public governmental body  
22 where public knowledge of the transaction might adversely affect the legal  
23 consideration therefor. However, any minutes, vote or public record approving  
24 a contract relating to the leasing, purchase or sale of real estate by a public  
25 governmental body shall be made public upon execution of the lease, purchase or  
26 sale of the real estate;

27 (3) Hiring, firing, disciplining or promoting of particular employees by a  
28 public governmental body when personal information about the employee is  
29 discussed or recorded. However, any vote on a final decision, when taken by a  
30 public governmental body, to hire, fire, promote or discipline an employee of a  
31 public governmental body shall be made available with a record of how each  
32 member voted to the public within seventy-two hours of the close of the meeting  
33 where such action occurs; provided, however, that any employee so affected shall  
34 be entitled to prompt notice of such decision during the seventy-two-hour period  
35 before such decision is made available to the public. As used in this subdivision,  
36 the term "personal information" means information relating to the performance  
37 or merit of individual employees;

38 (4) The state militia or national guard or any part thereof;

39 (5) Nonjudicial mental or physical health proceedings involving  
40 identifiable persons, including medical, psychiatric, psychological, or alcoholism  
41 or drug dependency diagnosis or treatment;

42 (6) Scholastic probation, expulsion, or graduation of identifiable  
43 individuals, including records of individual test or examination scores; however,  
44 personally identifiable student records maintained by public educational  
45 institutions shall be open for inspection by the parents, guardian or other  
46 custodian of students under the age of eighteen years and by the parents,  
47 guardian or other custodian and the student if the student is over the age of  
48 eighteen years;

49 (7) Testing and examination materials, before the test or examination is  
50 given or, if it is to be given again, before so given again;

51 (8) Welfare cases of identifiable individuals;

52 (9) Preparation, including any discussions or work product, on behalf of  
53 a public governmental body or its representatives for negotiations with employee

54 groups;

55 (10) Software codes for electronic data processing and documentation  
56 thereof;

57 (11) Specifications for competitive bidding, until either the specifications  
58 are officially approved by the public governmental body or the specifications are  
59 published for bid;

60 (12) Sealed bids and related documents, until the bids are opened; and  
61 sealed proposals and related documents or any documents related to a negotiated  
62 contract until a contract is executed, or all proposals are rejected;

63 (13) Individually identifiable personnel records, performance ratings or  
64 records pertaining to employees or applicants for employment, except that this  
65 exemption shall not apply to the names, positions, salaries and lengths of service  
66 of officers and employees of public agencies once they are employed as such, and  
67 the names of private sources donating or contributing money to the salary of a  
68 chancellor or president at all public colleges and universities in the state of  
69 Missouri and the amount of money contributed by the source;

70 (14) Records which are protected from disclosure by law;

71 (15) Meetings and public records relating to scientific and technological  
72 innovations in which the owner has a proprietary interest;

73 (16) Records relating to municipal hotlines established for the reporting  
74 of abuse and wrongdoing;

75 (17) Confidential or privileged communications between a public  
76 governmental body and its auditor, including all auditor work product; however,  
77 all final audit reports issued by the auditor are to be considered open records  
78 pursuant to this chapter;

79 (18) Operational guidelines, policies and specific response plans  
80 developed, adopted, or maintained by any public agency responsible for law  
81 enforcement, public safety, first response, or public health for use in responding  
82 to or preventing any critical incident which is or appears to be terrorist in nature  
83 and which has the potential to endanger individual or public safety or  
84 health. Financial records related to the procurement of or expenditures relating  
85 to operational guidelines, policies or plans purchased with public funds shall be  
86 open. When seeking to close information pursuant to this exception, the public  
87 governmental body shall affirmatively state in writing that disclosure would  
88 impair the public governmental body's ability to protect the security or safety of  
89 persons or real property, and shall in the same writing state that the public

90 interest in nondisclosure outweighs the public interest in disclosure of the  
91 records;

92 (19) Existing or proposed security systems and structural plans of real  
93 property owned or leased by a public governmental body, and information that is  
94 voluntarily submitted by a nonpublic entity owning or operating an infrastructure  
95 to any public governmental body for use by that body to devise plans for  
96 protection of that infrastructure, the public disclosure of which would threaten  
97 public safety:

98 (a) Records related to the procurement of or expenditures relating to  
99 security systems purchased with public funds shall be open;

100 (b) When seeking to close information pursuant to this exception, the  
101 public governmental body shall affirmatively state in writing that disclosure  
102 would impair the public governmental body's ability to protect the security or  
103 safety of persons or real property, and shall in the same writing state that the  
104 public interest in nondisclosure outweighs the public interest in disclosure of the  
105 records;

106 (c) Records that are voluntarily submitted by a nonpublic entity shall be  
107 reviewed by the receiving agency within ninety days of submission to determine  
108 if retention of the document is necessary in furtherance of a state security  
109 interest. If retention is not necessary, the documents shall be returned to the  
110 nonpublic governmental body or destroyed;

111 (20) The portion of a record that identifies security systems or access  
112 codes or authorization codes for security systems of real property;

113 (21) Records that identify the configuration of components or the  
114 operation of a computer, computer system, computer network, or  
115 telecommunications network, and would allow unauthorized access to or unlawful  
116 disruption of a computer, computer system, computer network, or  
117 telecommunications network of a public governmental body. This exception shall  
118 not be used to limit or deny access to otherwise public records in a file, document,  
119 data file or database containing public records. Records related to the  
120 procurement of or expenditures relating to such computer, computer system,  
121 computer network, or telecommunications network, including the amount of  
122 moneys paid by, or on behalf of, a public governmental body for such computer,  
123 computer system, computer network, or telecommunications network shall be  
124 open;

125 (22) Credit card numbers, personal identification numbers, digital

126 certificates, physical and virtual keys, access codes or authorization codes that  
127 are used to protect the security of electronic transactions between a public  
128 governmental body and a person or entity doing business with a public  
129 governmental body. Nothing in this section shall be deemed to close the record  
130 of a person or entity using a credit card held in the name of a public  
131 governmental body or any record of a transaction made by a person using a credit  
132 card or other method of payment for which reimbursement is made by a public  
133 governmental body; [and]

134 (23) Records submitted by an individual, corporation, or other business  
135 entity to a public institution of higher education in connection with a proposal to  
136 license intellectual property or perform sponsored research and which contains  
137 sales projections or other business plan information the disclosure of which may  
138 endanger the competitiveness of a business; and

139 (24) **Individually identifiable records submitted to the office of**  
140 **the lieutenant governor concerning or relating to reports of waste,**  
141 **fraud, and abuse of public resources.**

**Section 1. All courts that require mandatory electronic filing**  
2 **shall accept, file, and docket a notice of entry of appearance filed by an**  
3 **attorney in a criminal case if such filing does not exceed one page in**  
4 **length and was sent by fax or regular mail. The provisions of this**  
5 **section shall expire on December 31, 2016.**

[550.040. In all capital cases, and those in which  
2 imprisonment in the penitentiary is the sole punishment for the  
3 offense, if the defendant is acquitted, the costs shall be paid by the  
4 state; and in all other trials on indictments or information, if the  
5 defendant is acquitted, the costs shall be paid by the county in  
6 which the indictment was found or information filed.]

[550.060. In all cases where any person shall be committed  
2 or recognized to answer for a felony, and no indictment shall be  
3 found against such person, the prosecutor, or person on whose oath  
4 the prosecution was commenced, shall be liable for all the costs  
5 incurred in that behalf; and the court shall render judgment  
6 against such prosecutor for the same, and in no such case shall the  
7 state or county pay such costs.]

Section B. Because of the necessity of constitutionally protected  
2 expedient access to the courts and ensuring the continued efficient

3 administration of justice, the repeal and reenactment of sections 478.320,  
4 478.437, 478.464, 478.513, and 478.600, and the enactment of section  
5 478.740 of this act are deemed necessary for the immediate preservation  
6 of the public health, welfare, peace, and safety, and is hereby declared to  
7 be an emergency act within the meaning of the constitution and the repeal  
8 and reenactment of sections 478.320, 478.437, 478.464, 478.513, and  
9 478.600, and the enactment of section 478.740 of this act shall be in full  
10 force and effect upon its passage and approval.

Unofficial

Bill

Copy