

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

SENATE BILL NO. 42

97TH GENERAL ASSEMBLY
2013

0094S.06T

AN ACT

To repeal sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, and 590.205 as truly agreed to and finally passed by the first regular session of the ninety-seventh general assembly in senate committee substitute for house committee substitute for house bill no. 436, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement agencies.

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

Section A. Sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, 2 and 590.205 as truly agreed to and finally passed by the first regular session of 3 the ninety-seventh general assembly in senate committee substitute for house 4 committee substitute for house bill no. 436, RSMo, are repealed and nine new 5 sections enacted in lieu thereof, to be known as sections 57.010, 57.104, 221.070, 6 221.102, 313.321, 488.5028, 488.5029, 488.5320, and 590.205, to read as follows:

57.010. 1. At the general election to be held in 1948, and at each general 2 election held every four years thereafter, the voters in every county in this state 3 shall elect some suitable person sheriff. No person shall be eligible for the office 4 of sheriff who has been convicted of a felony. Such person shall be a resident 5 taxpayer and elector of said county, shall have resided in said county for more 6 than one whole year next before filing for said office and shall be a person capable 7 of efficient law enforcement. When any person shall be elected sheriff, such 8 person shall enter upon the discharge of the duties of such person's office as chief 9 law enforcement officer of that county on the first day of January next succeeding

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

10 said election.

11 2. [Beginning January 1, 2003, any] **No person shall be eligible for**
12 **the office of** sheriff who does not hold a valid peace officer license pursuant to
13 chapter 590 [shall refrain from personally executing any of the police powers of
14 the office of sheriff, including but not limited to participation in the activities of
15 arrest, detention, vehicular pursuit, search and interrogation. Nothing in this
16 section shall prevent any sheriff from administering the execution of police
17 powers through duly commissioned deputy sheriffs]. **Any person filing for the**
18 **office of sheriff shall have a valid peace officer license at the time of**
19 **filing for office.** This subsection shall not apply[:

20 (1) During the first twelve months of the first term of office of any sheriff
21 who is eligible to become licensed as a peace officer and who intends to become
22 so licensed within twelve months after taking office, except this subdivision shall
23 not be effective beginning January 1, 2010; or

24 (2)] to the sheriff of any county of the first classification with a charter
25 form of government with a population over nine hundred thousand **or of any**
26 **city not within a county.**

57.104. 1. The sheriff of any county [of the first classification not having
2 a charter form of government], **except a county with a charter form of**
3 **government,** may employ an attorney at law to aid and advise him in the
4 discharge of his duties and to represent him in court. The sheriff shall set the
5 compensation for an attorney hired pursuant to this section within the allocation
6 made by the county commission to the sheriff's department for compensation of
7 employees to be paid out of the general revenue fund of the county.

8 2. The attorney employed by a sheriff pursuant to subsection 1 of this
9 section shall be employed at the pleasure of the sheriff.

221.070. 1. Every person who shall be committed to the common jail
2 within any county in this state, by lawful authority, for any offense or
3 misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall
4 bear the expense of carrying him or her to said jail, and also his or her support
5 while in jail, before he or she shall be discharged; and the property of such person
6 shall be subjected to the payment of such expenses, and shall be bound therefor,
7 from the time of his commitment, and may be levied on and sold, from time to
8 time, under the order of the court having criminal jurisdiction in the county, to
9 satisfy such expenses.

10 2. **If a person has not paid all money owed to the county jail**

11 upon release from custody and has failed to enter into, or honor an
12 agreement with the sheriff to make payments toward such debt
13 according to a repayment plan, the sheriff may certify to the clerk of
14 the court in which the case was determined the amount of the
15 outstanding debt. The circuit clerk shall report to the office of state
16 courts administrator the debtor's full name, date of birth, address, and
17 the amount the debtor owes to the county jail. If the person
18 subsequently satisfies the debt to the county jail or begins making
19 regular payments in accordance with an agreement entered into with
20 the sheriff, the sheriff shall notify the circuit clerk who shall then
21 notify the state courts administrator that the person shall no longer be
22 considered delinquent.

221.102. 1. The sheriff of any county may establish and operate
2 a canteen or commissary in the county jail for the use and benefit of
3 the inmates, prisoners, and detainees.

4 2. Each county jail shall keep revenues received from its canteen
5 or commissary in a separate account. The acquisition cost of goods sold
6 and other expenses shall be paid from this account. A minimum
7 amount of money necessary to meet cash flow needs and current
8 operating expenses may be kept in this account. The remaining funds
9 from sales of each canteen or commissary shall be deposited into the
10 "Inmate Prisoner Detainee Security Fund" and shall be expended for
11 the purposes provided in subsection 3 of section 488.5026. The
12 provisions of section 33.080 to the contrary notwithstanding, the money
13 in the inmate prisoner detainee security fund shall be retained for the
14 purposes specified in section 488.5026 and shall not revert or be
15 transferred to general revenue.

313.321. 1. The money received by the Missouri state lottery commission
2 from the sale of Missouri lottery tickets and from all other sources shall be
3 deposited in the "State Lottery Fund", which is hereby created in the state
4 treasury. At least forty-five percent, in the aggregate, of the money received from
5 the sale of Missouri lottery tickets shall be appropriated to the Missouri state
6 lottery commission and shall be used to fund prizes to lottery players. Amounts
7 in the state lottery fund may be appropriated to the Missouri state lottery
8 commission for administration, advertising, promotion, and retailer
9 compensation. The general assembly shall appropriate remaining moneys not
10 previously allocated from the state lottery fund by transferring such moneys to

11 the general revenue fund. The lottery commission shall make monthly transfers
12 of moneys not previously allocated from the state lottery fund to the general
13 revenue fund as provided by appropriation.

14 2. The commission may also purchase and hold title to any securities
15 issued by the United States government or its agencies and instrumentalities
16 thereof that mature within the term of the prize for funding multi-year payout
17 prizes.

18 3. The "Missouri State Lottery Imprest Prize Fund" is hereby created.
19 This fund is to be established by the state treasurer and funded by warrants
20 drawn by the office of administration from the state lottery fund in amounts
21 specified by the commission. The commission may write checks and disburse
22 moneys from this fund for the payment of lottery prizes only and for no other
23 purpose. All expenditures shall be made in accordance with rules and regulations
24 established by the office of administration. Prize payments may also be made
25 from the state lottery fund. Prize payouts made pursuant to this section shall be
26 subject to the provisions of section 143.781[; and]. Prize payouts made pursuant
27 to this section shall be subject to set off for:

28 (1) Delinquent child support payments as assessed by a court of
29 competent jurisdiction or pursuant to section 454.410[. Prize payouts made under
30 this section shall be subject to set off for];

31 (2) Unpaid health care services provided by hospitals and health care
32 providers under the procedure established in section 143.790; and

33 (3) **Unpaid debts to a county jail as provided under section**
34 **221.070 and pursuant to the procedure established in section 488.5028.**

35 4. Funds of the state lottery commission not currently needed for prize
36 money, administration costs, commissions and promotion costs shall be invested
37 by the state treasurer in interest-bearing investments in accordance with the
38 investment powers of the state treasurer contained in chapter 30. All interest
39 earned by funds in the state lottery fund shall accrue to the credit of that fund.

40 5. No state or local sales tax shall be imposed upon the sale of lottery
41 tickets or shares of the state lottery or on any prize awarded by the state lottery.
42 No state income tax or local earnings tax shall be imposed upon any lottery game
43 prizes which accumulate to an amount of less than six hundred dollars during a
44 prize winner's tax year. The state of Missouri shall withhold for state income tax
45 purposes from a lottery game prize or periodic payment of six hundred dollars or
46 more an amount equal to four percent of the prize.

47 6. The director of revenue is authorized to enter into agreements with the
48 lottery commission, in conjunction with the various state agencies pursuant to
49 sections 143.782 to 143.788, in an effort to satisfy outstanding debts to the state
50 from the lottery winning of any person entitled to receive lottery payments which
51 are subject to federal withholding. The director of revenue is also authorized to
52 enter into agreements with the lottery commission in conjunction with the
53 department of health and senior services pursuant to section 143.790 in an effort
54 to satisfy outstanding debts owed to hospitals and health care providers for
55 unpaid health care services of any person entitled to receive lottery payments
56 which are subject to federal withholding.

57 7. In addition to the restrictions provided in section 313.260, no person,
58 firm, or corporation whose primary source of income is derived from the sale or
59 rental of sexually oriented publications or sexually oriented materials or property
60 shall be licensed as a lottery game retailer and any lottery game retailer license
61 held by any such person, firm, or corporation shall be revoked.

488.5028. 1. If a person fails to pay court costs, fines, fees, or other sums
2 ordered by a court, to be paid to the state or political subdivision, a court may
3 report any such delinquencies in excess of twenty-five dollars to the office of state
4 courts administrator and request that the state courts administrator seek a setoff
5 of an income tax refund. The state courts administrator shall set guidelines
6 necessary to effectuate the purpose of the offset program. **The office of state
7 courts administrator also shall seek a setoff of any income tax refund
8 and lottery prize payouts made to a person whose name has been
9 reported to the office as being delinquent pursuant to section 221.070.**

10 2. The office of state courts administrator shall provide to:

11 **(1) The department of revenue [with], the information necessary to**
12 **identify each debtor whose refund is sought to be [setoff] set off and the amount**
13 **of the debt or debts owed by [each such] any debtor who is entitled to a tax**
14 **refund in excess of twenty-five dollars and any debtor under section 221.070**
15 **who is entitled to a tax refund of any amount; and**

16 **(2) The state lottery commission, the information necessary to**
17 **identify each debtor whose lottery prize payouts are sought to be set**
18 **off and the amount of the debt or debts owed by the debtor under**
19 **section 221.070.**

20 3. The department of revenue shall notify the office of state courts
21 administrator that a refund has been [setoff] set off, and the state lottery

22 **commission shall notify the office when a lottery prize payout has been**
23 **set off**, on behalf of a court [and]. **The department or commission** shall
24 certify the amount of such setoff, which shall not exceed the amount of the
25 claimed debt certified. When the refund owed [exceeds] **or lottery prize**
26 **payouts exceed** the claimed debt, the department of revenue **when a refund**
27 **is set off, or the state lottery commission when lottery prizes are set off,**
28 shall send the excess amount to the debtor within a reasonable time after such
29 excess is determined.

30 4. The office of state courts administrator shall notify the debtor by mail
31 that a setoff has been sought. The notice shall contain the following:

32 (1) The name of the debtor;

33 (2) The manner in which the debt arose;

34 (3) The amount of the claimed debt and the department's intention to
35 [setoff] **set off the refund or the lottery commission's intention to set off**
36 **the lottery prize payouts** against the debt;

37 (4) The amount, if any, of the refund **or lottery prize payouts** due after
38 setoff [of the refund] against the debt; and

39 (5) The right of the debtor to apply in writing to the court originally
40 requesting setoff for review of the setoff because the debt was previously satisfied.
41 Any debtor applying to the court for review of the setoff shall file a written
42 application within thirty days of the date of mailing of the notice and send a copy
43 of the application to the office of state courts administrator. The application for
44 review of the setoff shall contain the name of the debtor, the case name and
45 number from which the debt arose, and the grounds for review. The court may
46 upon application, or on its own motion, hold a hearing on the application. The
47 hearing shall be ancillary to the original action with the only matters for
48 determination whether the [refund] setoff was appropriate because the debt was
49 unsatisfied at the time the court reported the delinquency to the office of state
50 courts administrator and that the debt remains unsatisfied. In the case of a joint
51 or combined return, the notice sent by the department shall contain the name of
52 the nonobligated taxpayer named in the return, if any, against whom no debt is
53 claimed. The notice shall state that as to the nonobligated taxpayer that no debt
54 is owed and that the taxpayer is entitled to a refund regardless of the debt owed
55 by such other person or persons named on the joint or combined return. The
56 nonobligated taxpayer may seek a refund as provided in section 143.784.

57 5. Upon receipt of funds transferred from the department of revenue **or**

58 **the state lottery commission** to the office of state courts administrator
59 pursuant to a [refund] setoff, the state courts administrator shall deposit such
60 funds in the state treasury to be held in an escrow account, which is hereby
61 established. Interest earned on those funds shall be credited to the escrow
62 account and used to offset administrative expenses. If a debtor files with a court
63 an application for review, the state courts administrator shall hold such sums in
64 question until directed by such court to release the funds. If no application for
65 review is filed, the state courts administrator shall, within forty-five days of
66 receipt of funds from the department, send to the clerk of the court in which the
67 debt arose such sums as are collected by the department of revenue for credit to
68 the debtor's account.

488.5029. 1. After the period provided for a person to appeal a
2 **debt under subsection 6 of this section has expired, and unless a court,**
3 **upon review, determines that the delinquent debt has been satisfied,**
4 **the office of state courts administrator shall notify the department of**
5 **conservation of the full name, date of birth, and address of any person**
6 **reported by a circuit court as being delinquent in the payment of**
7 **money to a county jail under section 221.070. If a person requests a**
8 **hearing under subsection 6 of this section, the state courts**
9 **administrator shall wait to send such notification until the court has**
10 **issued a decision. When the circuit clerk has notified the state courts**
11 **administrator that a person shall no longer be considered delinquent,**
12 **the state courts administrator shall notify the department of such**
13 **fact. Notification under this subsection may be on forms or in an**
14 **electronic format per agreement with the office of state courts**
15 **administrator and the department.**

16 **2. The following procedure shall apply between the office of state**
17 **courts administrator and the department of conservation regarding the**
18 **suspension of hunting and fishing licenses:**

19 **(1) The office of state courts administrator shall be responsible**
20 **for making the determination of whether an individual's license should**
21 **be suspended based on the reasons specified in section 221.070; and**

22 **(2) If the office of state courts administrator determines, after**
23 **completion of all due process procedures available to an individual,**
24 **that an individual's license should be suspended, the office of state**
25 **courts administrator shall notify the department of conservation. The**
26 **department shall promulgate a rule consistent with a cooperative**

27 agreement between the office of state courts administrator and the
28 department of conservation providing that the conservation
29 commission shall refuse to issue or suspend a hunting or fishing license
30 for any person based on the reasons specified in section 221.070. Such
31 suspension shall remain in effect until the department is notified by the
32 office of state courts administrator that such suspension should be
33 stayed or terminated because the individual is now in compliance with
34 delinquent payments of money to the county jail.

35 3. Before the office of state courts administrator has reported the
36 name of any debtor pursuant to this section, the state courts
37 administrator shall notify the debtor by mail that his or her name will
38 be forwarded to the department of conservation. The notice shall
39 contain the following information:

40 (1) The name of the debtor;

41 (2) The manner in which the debt arose;

42 (3) The amount of the claimed debt;

43 (4) The provisions of this section regarding the issuance and
44 suspension of a license to hunt or fish; and

45 (5) The right of the debtor to apply in writing to the court in
46 which the debt originated for review because the debt was previously
47 satisfied.

48 4. Any debtor applying to the court for review shall file a written
49 application within thirty days of the date of mailing of the notice and
50 send a copy of the application to the office of state courts
51 administrator. The application for review shall contain the name of the
52 debtor, the case name and number from which the debt arose, and the
53 grounds for review. The court may upon application, or on its own
54 motion, hold a hearing on the application. The hearing shall be
55 ancillary to the original action with the only matters for determination
56 to be whether the debt was unsatisfied at the time the court reported
57 the delinquency to the office of state courts administrator and that the
58 debt remains unsatisfied.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed
2 a charge for their services rendered in criminal cases and in all proceedings for
3 contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each
5 misdemeanor case, and six dollars for each infraction, [excluding] including

6 cases disposed of by a [traffic] violations bureau established pursuant to law or
7 supreme court rule. Such charges shall be charged and collected in the manner
8 provided by sections 488.010 to 488.020 and shall be payable to the county
9 treasury; **except that, those charges from cases disposed of by a**
10 **violations bureau shall be distributed as follows: one-half of the**
11 **charges collected shall be forwarded and deposited to the credit of the**
12 **MODEX fund established in subsection 6 of this section for the**
13 **operational cost of the Missouri data exchange (MODEX) system, and**
14 **one-half of the charges collected shall be deposited to the credit of the**
15 **inmate security fund, established in section 488.5026, of the county or**
16 **municipal political subdivision from which the citation originated. If**
17 **the county or municipal political subdivision has not established an**
18 **inmate security fund, all of the funds shall be deposited in the MODEX**
19 **fund.**

20 2. **Notwithstanding subsection 1 of this section to the contrary,**
21 **sheriffs, county marshals, or other officers in any county with a charter**
22 **form of government and with more than nine hundred fifty thousand**
23 **inhabitants or in any city not within a county shall not be allowed a**
24 **charge for their services rendered in cases disposed of by a violations**
25 **bureau established pursuant to law or supreme court rule.**

26 3. The sheriff receiving any charge pursuant to subsection 1 of this section
27 shall reimburse the sheriff of any other county or the city of St. Louis the sum of
28 three dollars for each pleading, writ, summons, order of court or other document
29 served in connection with the case or proceeding by the sheriff of the other county
30 or city, and return made thereof, to the maximum amount of the total charge
31 received pursuant to subsection 1 of this section.

32 [3.] 4. The charges provided in subsection 1 of this section shall be taxed
33 as other costs in criminal proceedings immediately upon a plea of guilty or a
34 finding of guilt of any defendant in any criminal procedure. The clerk shall tax
35 all the costs in the case against such defendant, which shall be collected and
36 disbursed as provided by sections 488.010 to 488.020; provided, that no such
37 charge shall be collected in any proceeding in any court when the proceeding or
38 the defendant has been dismissed by the court; provided further, that all costs,
39 incident to the issuing and serving of writs of scire facias and of writs of fieri
40 facias, and of attachments for witnesses of defendant, shall in no case be paid by
41 the state, but such costs incurred under writs of fieri facias and scire facias shall

42 be paid by the defendant and such defendant's sureties, and costs for attachments
43 for witnesses shall be paid by such witnesses.

44 [4.] 5. Mileage shall be reimbursed to sheriffs, county marshals and
45 guards for all services rendered pursuant to this section at the rate prescribed by
46 the Internal Revenue Service for allowable expenses for motor vehicle use
47 expressed as an amount per mile.

48 6. (1) There is hereby created in the state treasury the "MODEX
49 Fund", which shall consist of money collected under subsection 1 of this
50 section. The fund shall be administered by the Peace Officers
51 Standards and Training Commission established in section 590.120. The
52 state treasurer shall be custodian of the fund. In accordance with
53 sections 30.170 and 30.180, the state treasurer may approve
54 disbursements. The fund shall be a dedicated fund and, upon
55 appropriation, money in the fund shall be used solely for the
56 operational support and expansion of the MODEX system.

57 (2) Notwithstanding the provisions of section 33.080 to the
58 contrary, any moneys remaining in the fund at the end of the biennium
59 shall not revert to the credit of the general revenue fund.

60 (3) The state treasurer shall invest moneys in the fund in the
61 same manner as other funds are invested. Any interest and moneys
62 earned on such investments shall be credited to the fund.

590.205. 1. The POST commission shall establish minimum
2 standards for school protection officer training instructors, training
3 centers, and training programs.

4 2. The director shall develop and maintain a list of approved
5 school protection officer training instructors, training centers, and
6 training programs. The director shall not place any instructor, training
7 center, or training program on its approved list unless such instructor,
8 training center, or training program meets all of the POST commission
9 requirements under this section and section 590.200. The director shall
10 make this approved list available to every school district in the
11 state. The required training to become a school protection officer shall
12 be provided by those firearm instructors, private and public, who have
13 successfully completed a department of public safety POST certified
14 law enforcement firearms instructor school.

15 3. Each person seeking entrance into a school protection officer
16 training center or training program shall submit a fingerprint card and

17 authorization for a criminal history background check to include the
18 records of the Federal Bureau of Investigation to the training center or
19 training program where such person is seeking entrance. The training
20 center or training program shall cause a criminal history background
21 check to be made and shall cause the resulting report to be forwarded
22 to the school district where the elementary school teacher or
23 administrator is seeking to be designated as a school protection officer.

24 4. No person shall be admitted to a school protection officer
25 training center or training program unless such person submits proof
26 to the training center or training program that he or she has a valid
27 concealed carry endorsement.

28 5. A certificate of school protection officer training program
29 completion may be issued to any applicant by any approved school
30 protection officer training instructor. On the certificate of program
31 completion the approved school protection officer training instructor
32 shall affirm that the individual receiving instruction has taken and
33 passed a school protection officer training program that meets the
34 requirements of this section and section 590.200 and that the individual
35 has a valid concealed carry endorsement. The instructor shall also
36 provide a copy of such certificate to the director of the department of
37 public safety.

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31 program completion may be issued to any applicant by any
32 approved school protection officer training instructor. On
33 the certificate of program completion the approved school
34 protection officer training instructor shall affirm that the
35 individual receiving instruction has taken and passed a
36 school protection officer training program that meets the
37 requirements of this section and section 590.200 and that
38 the individual has a valid concealed carry
39 endorsement. The instructor shall also provide a copy of
40 such certificate.]

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