

SECOND REGULAR SESSION

# HOUSE BILL NO. 1685

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZWATER (49).

5038H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 476.083, RSMo, and to enact in lieu thereof one new section relating to circuit court marshals.

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

Section A. Section 476.083, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.083, to read as follows:

476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           2. The salary of a circuit court marshal shall be established by the presiding judge of the  
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety  
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that  
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant  
21 moneys which are available for that purpose and not from county funds.

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

27           (1) Serve process;

28           (2) Wear a concealable firearm; and

29           (3) Make an arrest based upon local court rules and state law, and as directed by the  
30 presiding judge of the circuit.

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