

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 799

98TH GENERAL ASSEMBLY

0183S.03T

2015

AN ACT

To repeal sections 67.320, 211.393, 476.083, 478.170, 478.191, 478.430, 478.433, 478.463, 478.740, 488.2206, and 600.042, RSMo, and to enact in lieu thereof sixteen new sections relating to judicial circuits.

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

Section A. Sections 67.320, 211.393, 476.083, 478.170, 478.191, 478.430, 478.433, 2 478.463, 478.740, 488.2206, and 600.042, RSMo, are repealed and sixteen new sections enacted 3 in lieu thereof, to be known as sections 67.320, 211.393, 476.083, 478.011, 478.170, 478.188, 4 478.191, 478.330, 478.463, 478.740, 479.155, 488.2206, 488.2244, 488.2257, 488.2265, and 5 600.042, to read as follows:

67.320. 1. Any county with a charter form of government and with more than two 2 hundred thousand but fewer than three hundred fifty thousand inhabitants, **any county of the** 3 **first classification with more than eighty-three thousand but fewer than ninety-two** 4 **thousand inhabitants and with a home rule city with more than seventy-six thousand but** 5 **fewer than ninety-one thousand inhabitants as the county seat**, or any county of the first 6 classification with more than one hundred one thousand but fewer than one hundred fifteen 7 thousand inhabitants may prosecute and punish violations of its county orders in the circuit court 8 of such counties in the manner and to the extent herein provided or in a county municipal court 9 if creation of a county municipal court is approved by order of the county commission. The 10 county may adopt orders with penal provisions consistent with state law, but only in the areas

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.

11 of traffic violations, solid waste management, county building codes, on-site sewer treatment,
12 zoning orders, and animal control. Any county municipal court established pursuant to the
13 provisions of this section shall have jurisdiction over violations of that county's orders and the
14 ordinances of municipalities with which the county has a contract to prosecute and punish
15 violations of municipal ordinances of the municipality.

16 2. Except as provided in subsection 5 of this section in any county which has elected to
17 establish a county municipal court pursuant to this section, the judges for such court shall be
18 appointed by the county commission of such county, subject to confirmation by the legislative
19 body of such county in the same manner as confirmation for other county appointed officers.
20 The number of judges appointed, and qualifications for their appointment, shall be established
21 by order of the commission.

22 3. The practice and procedure of each prosecution shall be conducted in compliance with
23 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this
24 section.

25 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with
26 the term order for purposes of this section.

27 5. In any county of the first classification with more than one hundred one thousand but
28 fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the
29 county commission for a term of four years, and thereafter the judges shall be elected for a term
30 of four years. The number of judges appointed, and qualifications for their appointment, shall
31 be established by order of the commission.

211.393. 1. For purposes of this section, the following words and phrases mean:

2 (1) "County retirement plan", any public employees' defined benefit retirement plan
3 established by law that provides retirement benefits to county or city employees, but not to
4 include the county employees' retirement system as provided in sections 50.1000 to 50.1200;

5 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
6 position normally requiring one thousand hours or more of service per year;

7 (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

8 (4) "Multicounty circuit", all other judicial circuits not included in the definition of a
9 single county circuit;

10 (5) "Single county circuit", a judicial circuit composed of a single county of the first
11 classification, including the circuit for the city of St. Louis;

12 (6) "State retirement plan", the public employees' retirement plan administered by the
13 Missouri state employees' retirement system pursuant to chapter 104.

14 2. Juvenile court employees employed in a single county circuit shall be subject to the
15 following provisions:

16 (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

17 (a) Be state employees on that portion of their salary received from the state pursuant to
18 section 211.381, and in addition be county employees on that portion of their salary provided by
19 the county at a rate determined pursuant to section 50.640;

20 (b) Receive state-provided benefits, including retirement benefits from the state
21 retirement plan, on that portion of their salary paid by the state and may participate as members
22 in a county retirement plan on that portion of their salary provided by the county except any
23 juvenile officer whose service as a juvenile court officer is being credited based on all salary
24 received from any source in a county retirement plan on June 30, 1999, shall not be eligible to
25 receive state-provided benefits, including retirement benefits, or any creditable prior service as
26 described in this section but shall continue to participate in such county retirement plan;

27 (c) Receive creditable prior service in the state retirement plan for service rendered as
28 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
29 credit for such service in a county retirement plan on salary paid to them for such service, if such
30 service was rendered in a single county circuit or a multicounty circuit; except that if the juvenile
31 officer forfeited such credit in such county retirement plan prior to being eligible to receive
32 creditable prior service under this paragraph, they may receive service under this paragraph;

33 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
34 though they already have received credit for such creditable service in a county retirement plan
35 if they elect to forfeit their creditable service from such plan in which case such plan shall
36 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
37 forfeited creditable service, determined as if the person were going to continue to be an active
38 member of the county retirement plan, less the amount of any refunds of member contributions;

39 (e) Receive creditable prior service for service rendered as a juvenile court employee in
40 a multicounty circuit in a position that was financed in whole or in part by a public or private
41 grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this
42 section;

43 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a
44 single county circuit on or after July 1, 1999, shall:

45 (a) Be county employees and receive salary from the county at a rate determined
46 pursuant to section 50.640 subject to reimbursement by the state as provided in section 211.381;
47 and

48 (b) Participate as members in the applicable county retirement plan subject to
49 reimbursement by the state for the retirement contribution due on that portion of salary
50 reimbursed by the state;

51 (3) All other juvenile court employees who are employed in a single county circuit on
52 or after July 1, 1999:

53 (a) Shall be county employees and receive a salary from the county at a rate determined
54 pursuant to section 50.640; and

55 (b) Shall, in accordance with their status as county employees, receive other
56 county-provided benefits including retirement benefits from the applicable county retirement
57 plan if such employees otherwise meet the eligibility requirements for such benefits;

58 (4) (a) The state shall reimburse each county comprised of a single county circuit for an
59 amount equal to the greater of:

60 a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding
61 the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement,
62 health and other fringe benefits; or

63 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
64 officer class I, as provided in section 211.381;

65 (b) The state may reimburse a single county circuit up to fifty percent of such circuit's
66 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state
67 may reimburse, subject to appropriations, the following percentages of such circuits' total
68 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a
69 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty
70 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until
71 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
72 reimbursement from the state in an amount less than the greater of:

73 a. Twenty-five percent of the total juvenile court personnel budget of the single county
74 circuit expended for calendar year 1997, excluding fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
76 officer class I, as provided in section 211.381;

77 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding
78 year's budget with the office of the state courts administrator after January first each year and
79 prior to reimbursement. The office of the state courts administrator shall make payment for the
80 reimbursement from appropriations made for that purpose on or before July fifteenth of each year
81 following the calendar year in which the expenses were made. The office of the state courts
82 administrator shall submit the information from the budgets relating to full-time juvenile court
83 personnel from each county to the general assembly;

84 (6) Any single county circuit may apply to the office of the state courts administrator to
85 become subject to subsection 3 of this section, and such application shall be approved subject
86 to appropriation of funds for that purpose;

87 (7) The state auditor may audit any single county circuit to verify compliance with the
88 requirements of this section, including an audit of the 1997 budget.

89 3. Juvenile court employees in multicounty circuits shall be subject to the following
90 provisions:

91 (1) Juvenile court employees including detention personnel hired in 1998 in those
92 multicounty circuits who began actual construction on detention facilities in 1996, employed in
93 a multicounty circuit on or after July 1, 1999, shall:

94 (a) Not be state employees unless they receive all salary from the state, which shall
95 include any salary as provided in section 211.381 in addition to any salary provided by the
96 applicable county or counties during calendar year 1997 and any general salary increase approved
97 by the state of Missouri for fiscal year 1999 and fiscal year 2000;

98 (b) Participate in the state retirement plan;

99 (c) Receive creditable prior service in the state retirement plan for service rendered as
100 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
101 credit for such service in a county retirement plan on salary paid to them for such service if such
102 service was rendered in a single county circuit or a multicounty circuit, except that if they
103 forfeited such credit in such county retirement plan prior to being eligible to receive creditable
104 prior service under this paragraph, they may receive creditable service under this paragraph;

105 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
106 though they already have received credit for such creditable service in a county retirement plan
107 if they elect within six months from the date they become participants in the state retirement plan
108 pursuant to this section to forfeit their service from such plan in which case such plan shall
109 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
110 forfeited creditable service, determined as if the person was going to continue to be an active
111 member of the county retirement plan, less the amount of any refunds of member contributions;

112 (e) Receive creditable prior service for service rendered as a juvenile court employee in
113 a multicounty circuit in a position that was financed in whole or in part by a public or private
114 grant to the extent they have not already received credit for such service in a county retirement
115 plan on salary paid to them for such service except that if they:

116 a. Forfeited such credit in such county retirement plan prior to being eligible to receive
117 creditable service under this paragraph, they may receive creditable service under paragraph (e)
118 of this subdivision;

119 b. Received credit for such creditable service in a county retirement plan, they may not
120 receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to
121 forfeit their service from such plan, in which case such plan shall transfer to the state retirement
122 plan an amount equal to the actuarial liability for the forfeited creditable service, determined as

123 if the person was going to continue to be an active member of the county retirement plan, less
124 the amount of any refunds of member contributions;

125 c. Terminated employment prior to August 28, 2007, and apply to the board of trustees
126 of the state retirement plan to be made and employed as a special consultant and be available to
127 give opinions regarding retirement they may receive creditable service under paragraph (e) of this
128 subdivision;

129 d. Retired prior to August 28, 2007, and apply to the board of trustees of the state
130 retirement plan to be made and employed as a special consultant and be available to give
131 opinions regarding retirement, they shall have their retirement benefits adjusted so they receive
132 retirement benefits equal to the amount they would have received had their retirement benefit
133 been initially calculated to include such creditable prior service; or

134 e. Purchased creditable prior service pursuant to section 104.344 or section 105.691
135 based on service as a juvenile court employee in a position that was financed in whole or in part
136 by a public or private grant, they shall receive a refund based on the amount paid for such
137 purchased service;

138 (2) Juvenile court employee positions added after December 31, 1997, shall be
139 terminated and not subject to the provisions of subdivision (1) of this subsection, unless the
140 office of the state courts administrator requests and receives an appropriation specifically for
141 such positions;

142 (3) The salary of any juvenile court employee who becomes a state employee, effective
143 July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set
144 in accordance with guidelines established by the state pursuant to a salary survey conducted by
145 the office of the state courts administrator, but such salary shall in no event be less than the
146 amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
147 provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled
148 to additional compensation paid by a county as a public officer or employee. Such employees
149 shall be considered employees of the judicial branch of state government for all purposes;

150 (4) All other employees of a multicounty circuit who are not juvenile court employees
151 as defined in subsection 1 of this section shall be county employees subject to the county's own
152 terms and conditions of employment;

153 **(5) Any juvenile court employee in a single county circuit that changed from a**
154 **multicounty circuit on or after August 28, 2015, shall be a state employee, receive state-**
155 **provided benefits, including retirement benefits from the state retirement plan, and not be**
156 **subject to subsection 2 of this section.**

157 4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1)
158 of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section

159 is contingent upon the office of the state courts administrator providing the state retirement plan
160 information, in a form subject to verification and acceptable to the state retirement plan,
161 indicating the dates of service and amount of monthly salary paid to each juvenile court
162 employee for such creditable prior service.

163 5. No juvenile court employee employed by any single or multicounty circuit shall be
164 eligible to participate in the county employees' retirement system fund pursuant to sections
165 50.1000 to 50.1200.

166 6. Each county in every circuit in which a juvenile court employee becomes a state
167 employee shall maintain each year in the local juvenile court budget an amount, defined as
168 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
169 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
170 employees in calendar year 1997, minus the state reimbursements as described in this section
171 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court
172 employees who become state employees. The juvenile court shall provide a proposed budget to
173 the county commission each year. The budget shall contain a separate section specifying all
174 funds to be expended in the juvenile court. Such funding may be used for contractual costs for
175 detention services, guardians ad litem, transportation costs for those circuits without detention
176 facilities to transport children to and from detention and hearings, short-term residential services,
177 indebtedness for juvenile facilities, expanding existing detention facilities or services,
178 continuation of services funded by public grants or subsidy, and enhancing the court's ability to
179 provide prevention, probation, counseling and treatment services. The county commission may
180 review such budget and may appeal the proposed budget to the judicial finance commission
181 pursuant to section 50.640.

182 7. Any person who is employed on or after July 1, 1999, in a position covered by the
183 state retirement plan or the transportation department and highway patrol retirement system and
184 who has rendered service as a juvenile court employee in a judicial circuit that was not a single
185 county of the first classification shall be eligible to receive creditable prior service in such plan
186 or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the
187 provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and
188 paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state
189 retirement plan shall also apply to the transportation department and highway patrol retirement
190 system.

191 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
192 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
193 by this section unless such juvenile officer elects to:

194 (a) Receive retirement benefits from the state retirement plan based on all years of
195 service as a juvenile officer and a final average salary which shall include salary paid by the
196 county and the state; and

197 (b) Forfeit any county retirement benefits from any county retirement plan based on
198 service rendered as a juvenile officer.

199 (2) Upon making the election described in this subsection, the county retirement plan
200 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
201 forfeited creditable service determined as if the person was going to continue to be an active
202 member of the county retirement plan, less the amount of any refunds of member contributions.

203 9. The elections described in this section shall be made on forms developed and made
204 available by the state retirement plan.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates **or containing, as of**
5 **January 1, 2015, a diagnostic and reception center operated by the department of**
6 **corrections and a mental health facility operated by the department of mental health which**
7 **houses persons found not guilty of a crime by reason of mental disease or defect pursuant**
8 **to chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)**
9 may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial
10 business of the circuit by overseeing the physical security of the courthouse, serving
11 court-generated papers and orders, and assisting the judges of the circuit as the presiding judge
12 determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this
13 section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized
14 by this section is in addition to staff support from the circuit clerks, deputy circuit clerks,
15 division clerks, municipal clerks, and any other staff personnel which may otherwise be provided
16 by law.

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.

**478.011. This state is divided into forty-six judicial circuits, numbered consecutively
2 from one to forty-six.**

478.170. **1. Until December 31, 2016,** circuit number thirty-eight shall consist of the
2 counties of Christian and Taney.

3 **2. Beginning January 1, 2017, circuit number thirty-eight shall consist of the county
4 of Christian.**

**478.188. Beginning January 1, 2017, circuit number forty-six shall consist of the
2 county of Taney.**

478.191. The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090,
2 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
3 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140,
4 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165,
5 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, **478.188**, and
6 the repeal and reenactment of section 487.010 shall become effective December 31, 2020.

**478.330. 1. When an annual judicial performance report submitted pursuant to
2 section 477.405 indicates for three consecutive calendar years the need for four or more
3 full-time judicial positions in any judicial circuit having a population of one hundred
4 thousand or more, there shall be one additional circuit judge position authorized in such
5 circuit, subject to appropriations made for that purpose.**

6 **2. Except in circuits where circuit judges are selected under the provisions of article
7 V of sections 25(a) to 25(g) of the Missouri Constitution, the election of circuit judges
8 authorized by this section shall be conducted in accordance with chapter 115.**

478.463. There shall be nineteen circuit judges in the sixteenth judicial circuit consisting
2 of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four,
3 six, seven, eight, nine, ten, eleven, [twelve,] thirteen, fourteen, fifteen and eighteen shall sit at
4 the city of Kansas City and divisions two, five, **twelve**, sixteen and seventeen shall sit at the city
5 of Independence. Division nineteen shall sit at both the city of Kansas City and the city of
6 Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall
7 sit at both the city of Kansas City and the city of Independence.

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

2. The circuit judge in division two shall be elected in 2016, and such judicial position shall not be considered vacant or filled until January 1, 2017. The judge in division one shall be elected in 2018.] **The circuit judge of judicial circuit number forty-six shall be elected in 2016 for a two-year term and thereafter in 2018 for a full six-year term.**

479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.

2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court, and the presiding judge of any new municipal division shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division.

3. The supreme court shall develop rules regarding conflict of interest for any prosecutor, defense attorney, or judge that has a pending case before the municipal division of any circuit court.

488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within [the thirty-first judicial circuit] **any judicial circuit composed of a single noncharter county** in all **civil and** criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge 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 order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge, **who shall deposit the funds in a separate account known as the "justice center fund", to be established and maintained by the political subdivision.**

18 2. Each county or municipality shall use all funds received pursuant to this section only
19 to pay for the costs associated with the land assemblage and purchase, **planning** construction,
20 maintenance, and operation of any county or municipal judicial facility **or justice center**
21 including, but not limited to, **architectural, engineering, and other plans and studies**, debt
22 service, utilities, maintenance, and building security. The county or municipality shall maintain
23 records identifying [such operating costs, and any moneys not needed for the operating costs of
24 the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund
25 of the county or municipality respectively] **all funds received and expenditures made from**
26 **their respective justice center funds.**

488.2244. 1. There is hereby created in the state treasury the "Jasper County
2 **Judicial Fund", which shall consist of moneys collected under subsection 2 of this section.**
3 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
4 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
5 **and, upon appropriation, moneys in the fund shall be used solely as described under**
6 **subsection 4 of this section. The state treasurer shall invest moneys in the fund in the same**
7 **manner as other funds are invested. Any interest and moneys earned on such investments**
8 **shall be credited to the fund.**

9 **2. In addition to any other court costs prescribed by law, court proceedings in the**
10 **twenty-ninth judicial circuit shall have additional court costs assessed in the following**
11 **manner, except that no such additional costs shall be collected for any violation of a traffic**
12 **law or in any proceeding when the proceeding or defendant has been dismissed by the**
13 **court or when costs are to be paid by the state, county, or municipality:**

14 **(1) All civil cases filed shall be assessed a surcharge of ten dollars;**

15 **(2) All misdemeanor criminal cases filed shall be assessed a surcharge of twenty-**
16 **five dollars; and**

17 **(3) All felony criminal cases filed shall be assessed a surcharge of fifty dollars.**

18 **3. The judge may waive the assessment of the surcharge in those cases where the**
19 **defendant is found by the judge to be indigent and unable to pay the costs.**

20 **4. Any county of the first classification with more than one hundred fifteen**
21 **thousand but fewer than one hundred fifty thousand inhabitants shall use moneys in the**
22 **Jasper County judicial fund to pay for the costs associated with the purchase, lease, and**
23 **operation of a county juvenile center and the county judicial facility including, but not**
24 **limited to, utilities, maintenance, and building security. The county shall maintain records**
25 **identifying such operating costs, and any moneys not needed for the operation and**
26 **maintenance of a county juvenile center or county judicial facility shall revert to the credit**
27 **of the general revenue fund.**

28 **5. The provisions of this section shall expire on August 28, 2025.**

488.2257. 1. In addition to all other court costs prescribed by law, a surcharge of
2 **up to ten dollars shall be assessed as costs in each court proceeding filed in any court in the**
3 **state located in any county of the third classification without a township form of**
4 **government and with more than thirty-seven thousand but fewer than forty-one thousand**
5 **inhabitants and with a city of the third classification with more than eleven thousand five**
6 **hundred but fewer than thirteen thousand inhabitants as the county seat in all civil and**
7 **criminal cases including violations of any county or municipal ordinance or infractions,**
8 **except that no such surcharge shall be collected for any violation of a traffic law or**
9 **ordinance or in any proceeding when the proceeding or defendant has been dismissed by**
10 **the court or when costs are to be paid by the state, county, or municipality. For violations**
11 **of the criminal laws of the state or county ordinances, including infractions, no such**
12 **surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the**
13 **county government where the violation occurred. For violations of municipal ordinances,**
14 **no such surcharge shall be collected unless it is authorized by order, ordinance, or**
15 **resolution by the municipal government where the violation occurred. Such surcharges**
16 **shall be collected and disbursed by the clerk of each respective court responsible for**
17 **collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be**
18 **payable to the treasurer of the political subdivision authorizing such surcharge.**

19 **2. Each county or municipality shall use all funds received pursuant to this section**
20 **only to pay for the costs associated with the land assemblage and purchase, planning, and**
21 **construction of a new facility, maintenance, and operation of any county or municipal**
22 **judicial facility or justice center including, but not limited to, architectural, engineering,**
23 **and other plans and studies, utilities, maintenance, and building security of any judicial**
24 **facility. The county or municipality shall establish and maintain a separate account known**
25 **as the "justice center fund" limited to the uses authorized by this section. The county or**
26 **municipality shall maintain records identifying all surcharges and expenditures made from**
27 **the justice center fund.**

28 **3. The provisions of this section shall expire on August 28, 2025.**

488.2265. 1. In addition to all other court costs prescribed by law, a surcharge of
2 **up to ten dollars shall be assessed as costs in each court proceeding filed in any court in the**
3 **state located in any county of the first classification with more than seventy thousand but**
4 **fewer than eighty-three thousand inhabitants and with a city of the fourth classification**
5 **with more than thirteen thousand five hundred but fewer than sixteen thousand**
6 **inhabitants as the county seat in all civil and criminal cases including violations of any**
7 **county or municipal ordinance or infractions, except that no such surcharge shall be**

8 collected for any violation of a traffic law or ordinance or in any proceeding when the
9 proceeding or defendant has been dismissed by the court or when costs are to be paid by
10 the state, county, or municipality. For violations of the criminal laws of the state or county
11 ordinances, including infractions, no such surcharge shall be collected unless it is
12 authorized by order, ordinance, or resolution by the county government where the
13 violation occurred. For violations of municipal ordinances, no such surcharge shall be
14 collected unless it is authorized by order, ordinance, or resolution by the municipal
15 government where the violation occurred. Such surcharges shall be collected and
16 disbursed by the clerk of each respective court responsible for collecting court costs in the
17 manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of
18 the political subdivision authorizing such surcharge.

19 2. Each county or municipality shall use all funds received pursuant to this section
20 only to pay for the costs associated with the land assemblage and purchase, planning, and
21 construction of a new facility, maintenance, and operation of any county or municipal
22 judicial facility or justice center including, but not limited to, architectural, engineering,
23 and other plans and studies, utilities, maintenance, and building security of any judicial
24 facility. The county or municipality shall establish and maintain a separate account known
25 as the "justice center fund" limited to the uses authorized by this section. The county or
26 municipality shall maintain records identifying all surcharges and expenditures made from
27 the justice center fund.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public defender
3 office personnel appointed pursuant to this chapter; and he or she and the deputy director or
4 directors may participate in the trial and appeal of criminal actions at the request of the defender;

5 (2) Submit to the commission, between August fifteenth and September fifteenth of each
6 year, a report which shall include all pertinent data on the operation of the state public defender
7 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
8 fifteenth of each year, the commission shall submit such report along with such
9 recommendations, comments, conclusions, or other pertinent information it chooses to make to
10 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
11 shall be maintained in the office of the state public defender, and shall be otherwise distributed
12 as the commission shall direct;

13 (3) With the approval of the commission, establish such divisions, facilities and offices
14 and select such professional, technical and other personnel, including investigators, as he deems
15 reasonably necessary for the efficient operation and discharge of the duties of the state public
16 defender system under this chapter;

17 (4) Administer and coordinate the operations of defender services and be responsible for
18 the overall supervision of all personnel, offices, divisions and facilities of the state public
19 defender system, except that the director shall have no authority to direct or control the legal
20 defense provided by a defender to any person served by the state public defender system;

21 (5) Develop programs and administer activities to achieve the purposes of this chapter;

22 (6) Keep and maintain proper financial records with respect to the provision of all public
23 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
24 operation of the state public defender system;

25 (7) Supervise the training of all public defenders and other personnel and establish such
26 training courses as shall be appropriate;

27 (8) With approval of the commission, promulgate necessary rules, regulations and
28 instructions consistent with this chapter defining the organization of the state public defender
29 system and the responsibilities of division directors, district defenders, deputy district defenders,
30 assistant public defenders and other personnel;

31 (9) With the approval of the commission, apply for and accept on behalf of the public
32 defender system any funds which may be offered or which may become available from
33 government grants, private gifts, donations or bequests or from any other source. Such moneys
34 shall be deposited in the state general revenue fund;

35 (10) Contract for legal services with private attorneys on a case-by-case basis and with
36 assigned counsel as the commission deems necessary considering the needs of the area, for fees
37 approved and established by the commission;

38 (11) With the approval and on behalf of the commission, contract with private attorneys
39 for the collection and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system;

41 (12) Prepare a plan to establish district offices, the boundaries of which shall coincide
42 with existing judicial circuits. Any district office may contain more than one judicial circuit
43 within its boundaries, but in no event shall any district office boundary include any geographic
44 region of a judicial circuit without including the entire judicial circuit. The director shall submit
45 the plan to the chair of the house judiciary committee and the chair of the senate judiciary
46 committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by
47 December 31, [2018] **2021**.

48 2. No rule or portion of a rule promulgated under the authority of this chapter shall
49 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

50 3. The director and defenders shall, within guidelines as established by the commission
51 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
52 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or

53 laws of the United States or of the state of Missouri and provide such persons with legal services
54 when, in the discretion of the director or the defenders, such provision of legal services is
55 appropriate.

56 4. The director and defenders shall provide legal services to an eligible person:

57 (1) Who is detained or charged with a felony, including appeals from a conviction in
58 such a case;

59 (2) Who is detained or charged with a misdemeanor which will probably result in
60 confinement in the county jail upon conviction, including appeals from a conviction in such a
61 case, unless the prosecuting or circuit attorney has waived a jail sentence;

62 (3) Who is charged with a violation of probation when it has been determined by a judge
63 that the appointment of counsel is necessary to protect the person's due process rights under
64 section 559.036;

65 (4) Who has been taken into custody pursuant to section 632.489, including appeals from
66 a determination that the person is a sexually violent predator and petitions for release,
67 notwithstanding any provisions of law to the contrary;

68 (5) For whom the federal constitution or the state constitution requires the appointment
69 of counsel; and

70 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and
71 in which the federal or the state constitution or any law of this state requires the appointment of
72 counsel; however, the director and the defenders shall not be required to provide legal services
73 to persons charged with violations of county or municipal ordinances, or misdemeanor offenses
74 except as provided in this section.

75 5. The director may:

76 (1) Delegate the legal representation of [any] **an eligible** person to any member of the
77 state bar of Missouri;

78 (2) Designate persons as representatives of the director for the purpose of making
79 indigency determinations and assigning counsel.

2 [478.430. Each circuit judge of the circuit court of the city of St. Louis
3 who is visually impaired or otherwise physically handicapped is hereby
4 authorized to appoint one janitor-messenger whose duty it shall be to keep in an
5 orderly and cleanly manner the chambers and other rooms used by such judge and
6 his reporter in the performance of their respective duties, and equipment in use
7 therein, and also the halls, stairways, and jury rooms used in connection with the
8 courtroom over which such judge presides, and to perform such other duties as
9 said judge shall direct from time to time. And the judge making said
10 appointment shall report the same to the circuit court in general session for
11 certification, and such janitor-messenger shall hold his appointment during the
pleasure of the judge making the same.]

2 [478.433. The janitor-messenger appointed under section 478.430 shall
3 receive and be paid, after proper appointment and certification by said court, or
4 the presiding judge thereof, an annual salary of not less than two thousand two
5 hundred dollars. Said salary shall be payable at the end of each and every month,
6 in equal monthly installments, by the treasurer of the city of St. Louis out of any
7 moneys appropriated therefor by the municipal assembly upon warrants drawn
8 and countersigned by the proper officers of said city, pursuant to the charter
9 thereof. It shall be the duty of the municipal assembly of said city to appropriate
10 the money necessary for the payment of such salaries; provided further, that the
11 court may, when sitting in general session, recommend to the St. Louis board of
12 estimate and apportionment an increase in salary of janitor-messengers not
13 exceeding two hundred dollars per annum, subject to the approval of said board.
14 If said board of estimate and apportionment concur in such salary increase, the
municipal assembly shall appropriate additional moneys for such salaries.]

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