

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 165**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 10, 2011, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0440S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund.

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

Section A. Sections 477.650 and 488.031, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 477.650 and 488.031, to  
3 read as follows:

477.650. 1. There is hereby created in the state treasury the "Basic Civil  
2 Legal Services Fund", to be administered by, or under the direction of, the  
3 Missouri supreme court. All moneys collected under section 488.031 shall be  
4 credited to the fund. In addition to the court filing surcharges, funds from other  
5 public or private sources also may be deposited into the fund and all earnings of  
6 the fund shall be credited to the fund. The purpose of this section is to increase  
7 the funding available for basic civil legal services to eligible low-income persons  
8 as such persons are defined by the Federal Legal Services Corporation's Income  
9 Eligibility Guidelines.

10 2. Funds in the basic civil legal services fund shall be allocated annually  
11 and expended to provide legal representation to eligible low-income persons in the  
12 state in civil matters. Moneys, funds, or payments paid to the credit of the basic  
13 civil legal services fund shall, at least as often as annually, be distributed to the  
14 legal services organizations in this state which qualify for Federal Legal Services  
15 Corporation funding. The funds so distributed shall be used by legal services  
16 organizations in this state solely to provide legal services to eligible low-income  
17 persons as such persons are defined by the Federal Legal Services Corporation's

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

18 Income Eligibility Guidelines. Fund money shall be subject to all restrictions  
19 imposed on such legal services organizations by law. Funds shall be allocated to  
20 the programs according to the funding formula employed by the Federal Legal  
21 Services Corporation for the distribution of funds to this state. Notwithstanding  
22 the provisions of section 33.080, any balance remaining in the basic civil legal  
23 services fund at the end of any year shall not be transferred to the state's general  
24 revenue fund. Moneys in the basic civil legal services fund shall not be used to  
25 pay any portion of a refund mandated by article X, section 15 of the Missouri  
26 Constitution. State legal services programs shall represent individuals to secure  
27 lawful state benefits, but shall not sue the state, its agencies, or its officials, with  
28 any state funds.

29           3. Contracts for services with state legal services programs shall provide  
30 eligible low-income Missouri citizens with equal access to the civil justice system,  
31 with a high priority on families and children, domestic violence, the elderly, and  
32 qualification for benefits under the Social Security Act. State legal services  
33 programs shall abide by all restrictions, requirements, and regulations of the  
34 Legal Services Corporation regarding their cases.

35           4. The Missouri supreme court, or a person or organization designated by  
36 the court, is the administrator and shall administer the fund in such manner as  
37 determined by the Missouri supreme court, including in accordance with any  
38 rules and policies adopted by the Missouri supreme court for such  
39 purpose. Moneys from the fund shall be used to pay for the collection of the fee  
40 and the implementation and administration of the fund.

41           5. Each recipient of funds from the basic civil legal services fund shall  
42 maintain appropriate records accounting for the receipt and expenditure of all  
43 funds distributed and received pursuant to this section. These records must be  
44 maintained for a period of five years from the close of the fiscal year in which  
45 such funds are distributed or received or until audited, whichever is sooner. All  
46 funds distributed or received pursuant to this section are subject to audit by the  
47 Missouri supreme court or the state auditor.

48           6. The Missouri supreme court, or a person or organization designated by  
49 the court, shall, by January thirty-first of each year, report to the general  
50 assembly on the moneys collected and disbursed pursuant to this section and  
51 section 488.031 by judicial circuit.

52           7. The provisions of this section shall expire on December 31, **[2012] 2018**.  
488.031. 1. In addition to other fees authorized by law, the clerk of each

2 court shall collect the following fees on the filing of any civil or criminal action  
3 or proceeding, including an appeal, except that no fee shall be imposed pursuant  
4 to this section on any case that is filed charging traffic violations except  
5 alcohol-related offenses:

6	Supreme court and court of appeals	\$20.00;
7	Circuit division	\$10.00;
8	Associate circuit courts	\$ 8.00; and
9	Small claims courts	No additional fee

10 2. Court filing surcharges pursuant to this section shall be collected in the  
11 same manner as other fees, fines, or costs in the case. The amounts so collected  
12 shall be paid by the clerk to the office of the state courts administrator and  
13 credited to the special fund designated as the basic civil legal services fund. **In**  
14 **the event that the basic civil legal services fund provided for by section**  
15 **477.650 expires, the court filing surcharges provided for in this section**  
16 **shall be paid by the clerk to the Missouri supreme court to be used to**  
17 **provide for legal representation for eligible low-income individuals in**  
18 **civil matters.** However, the additional fees prescribed by this section shall not  
19 be collected when a criminal proceeding or defendant has been dismissed by the  
20 court or when costs are waived or are to be paid by the state, county,  
21 municipality, or other political subdivision of this state.

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