

FIRST REGULAR SESSION

# SENATE BILL NO. 526

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

2513S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 49.310 and 476.083, RSMo, and to enact in lieu thereof two new sections relating to physical control over areas within courthouses.

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

Section A. Sections 49.310 and 476.083, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as  
3 sections 49.310 and 476.083, to read as follows:

49.310. 1. Except as provided in sections 221.400 to  
2 221.420 and subsection 2 of this section, the county  
3 commission in each county in this state shall erect and  
4 maintain at the established seat of justice a good and  
5 sufficient courthouse, jail and necessary fireproof  
6 buildings for the preservation of the records of the county;  
7 except that in counties having a special charter, the jail  
8 or workhouse may be located at any place within the county.  
9 In pursuance of the authority herein delegated to the county  
10 commission, the county commission may acquire a site,  
11 construct, reconstruct, remodel, repair, maintain and equip  
12 the courthouse and jail, and in counties wherein more than  
13 one place is provided by law for holding of court, the  
14 county commission may buy and equip or acquire a site and  
15 construct a building or buildings to be used as a courthouse  
16 and jail, and may remodel, repair, maintain and equip  
17 buildings in both places. The county commission may issue  
18 bonds as provided by the general law covering the issuance

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

19 of bonds by counties for the purposes set forth in this  
20 section. In bond elections for these purposes in counties  
21 wherein more than one place is provided by law for holding  
22 of court, a separate ballot question may be submitted  
23 covering proposed expenditures in each separate site  
24 described therein, or a single ballot question may be  
25 submitted covering proposed expenditures at more than one  
26 site, if the amount of the proposed expenditures at each of  
27 the sites is specifically set out therein.

28       2. The county commission in all counties of the fourth  
29 classification and any county of the third, second, or first  
30 classification may provide for the erection and maintenance  
31 of a good and sufficient jail or holding cell facility at a  
32 site in the county other than at the established seat of  
33 justice.

34       **3. For any courthouse that contains both a county**  
35 **office and a courtroom, the presiding judge of the circuit**  
36 **in which the courthouse is located may establish rules for**  
37 **courtrooms, jury rooms, and chambers or offices of the**  
38 **court, but the county commission shall have authority over**  
39 **all other areas of the courthouse.**

476.083. 1. In addition to any appointments made  
2 pursuant to section 485.010, the presiding judge of each  
3 circuit containing one or more facilities operated by the  
4 department of corrections with an average total inmate  
5 population in all such facilities in the circuit over the  
6 previous two years of more than two thousand five hundred  
7 inmates or containing, as of January 1, 2016, a diagnostic  
8 and reception center operated by the department of  
9 corrections and a mental health facility operated by the  
10 department of mental health which houses persons found not  
11 guilty of a crime by reason of mental disease or defect

12 under chapter 552 and provides sex offender rehabilitation  
13 and treatment services (SORTS) may appoint a circuit court  
14 marshal to aid the presiding judge in the administration of  
15 the judicial business of the circuit by overseeing the  
16 physical security of [the courthouse,] **courtrooms, jury**  
17 **rooms, and chambers or offices of the court;** serving court-  
18 generated papers and orders[,]; and assisting the judges of  
19 the circuit as the presiding judge determines appropriate.  
20 Such circuit court marshal appointed pursuant to the  
21 provisions of this section shall serve at the pleasure of  
22 the presiding judge. The circuit court marshal authorized  
23 by this section is in addition to staff support from the  
24 circuit clerks, deputy circuit clerks, division clerks,  
25 municipal clerks, and any other staff personnel which may  
26 otherwise be provided by law.

27 2. The salary of a circuit court marshal shall be  
28 established by the presiding judge of the circuit within  
29 funds made available for that purpose, but such salary shall  
30 not exceed ninety percent of the salary of the highest paid  
31 sheriff serving a county wholly or partially within that  
32 circuit. Personnel authorized by this section shall be paid  
33 from state funds or federal grant moneys which are available  
34 for that purpose and not from county funds.

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

43 (1) Serve process;

- 44           (2) Wear a concealable firearm; and
- 45           (3) Make an arrest based upon local court rules and
- 46 state law, and as directed by the presiding judge of the
- 47 circuit.

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