

SECOND REGULAR SESSION

SENATE BILL NO. 900

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5926S.021

AN ACT

To repeal sections 221.070 and 488.5028, RSMo, and to enact in lieu thereof three new sections relating to delinquent debts for the cost of imprisonment in a county jail.

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

Section A. Sections 221.070 and 488.5028, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 221.070, 488.5028,
3 and 488.5029, to read as follows:

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**

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

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.**

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 shall also seek a setoff of any income tax refund**
8 **or 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 the department
11 of revenue with the information necessary to identify each debtor whose refund
12 is sought to be setoff and the amount of the debt or debts owed by [each such]
13 **any debtor who is entitled to a tax refund in excess of twenty-five dollars and**
14 **any debtor under section 221.070 who is entitled to a tax refund of any**
15 **amount.**

16 3. The department of revenue shall notify the office of state courts
17 administrator that a refund [has] **or lottery prize winnings have** been setoff
18 on behalf of a court and shall certify the amount of such setoff, which shall not
19 exceed the amount of the claimed debt certified. When the refund owed [exceeds]
20 **or lottery prize winnings exceed** the claimed debt, the department of revenue
21 shall send the excess amount to the debtor within a reasonable time after such
22 excess is determined.

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

25 (1) The name of the debtor;

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

27 (3) The amount of the claimed debt and the department's intention to
28 setoff the refund **or lottery prize winnings** against the debt;

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

31 (5) The right of the debtor to apply in writing to the court originally

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

49 5. Upon receipt of funds transferred from the department of revenue to
50 the office of state courts administrator pursuant to a [refund] setoff, the state
51 courts administrator shall deposit such funds in the state treasury to be held in
52 an escrow account, which is hereby established. Interest earned on those funds
53 shall be credited to the escrow account and used to offset administrative
54 expenses. If a debtor files with a court an application for review, the state courts
55 administrator shall hold such sums in question until directed by such court to
56 release the funds. If no application for review is filed, the state courts
57 administrator shall, within forty-five days of receipt of funds from the
58 department, send to the clerk of the court in which the debt arose such sums as
59 are collected by the department of revenue for credit to the debtor's account.

**488.5029. 1. After the period provided for a person to appeal a
2 debt under subsection 5 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 revenue and the department of conservation of the full name, date of
6 birth, and address of any person reported by a circuit court as being
7 delinquent in the payment of money to a county jail under section
8 271.070. If a person requests a hearing under subsection 5 of this**

9 section, the state courts administrator shall wait to send such
10 notification until the court has issued a decision. When the circuit
11 clerk has notified the state courts administrator that a person shall no
12 longer be considered delinquent, the state courts administrator shall
13 notify the departments of such fact. Notification under this subsection
14 may be on forms or in an electronic format per agreement with the
15 office of state courts administrator and each individual agency.

16 2. No concealed carry endorsement shall be issued or renewed
17 under chapter 571 until the director of the department of revenue
18 verifies that the person has not been reported as being delinquent
19 under this section. A concealed carry endorsement shall not be issued
20 or renewed if an applicant is reported as being delinquent until the
21 department of revenue receives notification from the state courts
22 administrator that the person is no longer ineligible for a concealed
23 carry endorsement. The concealed carry endorsement in the name of
24 any person reported as being delinquent under this section shall be
25 suspended by the department upon notification of a delinquency by the
26 state courts administrator. The person shall surrender the driver's
27 license or nondriver's license containing the concealed carry
28 endorsement. The department of revenue shall issue a receipt to the
29 licensee for the license upon a form that serves as a driver's license or
30 a nondriver's license and clearly states that the concealed carry
31 endorsement has been suspended. The concealed carry endorsement
32 issued pursuant to sections 571.101 to 571.121 shall be suspended until
33 the state courts administrator has notified the department that such
34 person is no longer considered delinquent. Upon such notice, the
35 department shall return the driver's license or nondriver's license
36 containing the concealed carry endorsement to the person.

37 3. No license to hunt or fish shall be issued by the department of
38 conservation until the director of the department of conservation
39 verifies that the person has not been reported as being delinquent
40 under this section. A license to hunt or fish shall not be issued if an
41 applicant is reported as being delinquent until the department of
42 conservation receives notification from the state courts administrator
43 that the person is no longer ineligible for a hunting or fishing license.
44 A hunting or fishing license for any person reported delinquent under
45 this section shall be suspended by the department upon notification by

46 the state courts administrator. Such suspension shall remain in effect
47 until the department is notified by the state courts administrator that
48 such person is no longer considered delinquent.

49 4. The director of revenue and the department of conservation
50 shall make necessary rules and regulations for the enforcement of this
51 section, and shall design all necessary forms. Any rule or portion of a
52 rule, as that term is defined in section 536.010 that is created under the
53 authority delegated in this section shall become effective only if it
54 complies with and is subject to all of the provisions of chapter 536, and,
55 if applicable, section 536.028. This section and chapter 536 are
56 nonseverable and if any of the powers vested with the general assembly
57 pursuant to chapter 536, to review, to delay the effective date, or to
58 disapprove and annul a rule are subsequently held unconstitutional,
59 then the grant of rulemaking authority and any rule proposed or
60 adopted after August 28, 2012, shall be invalid and void.

61 5. Before the office of state courts administrator has reported the
62 name of any debtor pursuant to this section, the state courts
63 administrator shall notify the debtor by mail that his or her name will
64 be forwarded to the department of revenue and the department of
65 conservation. The notice shall contain the following information:

66 (1) The name of the debtor;

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

68 (3) The amount of the claimed debt;

69 (4) The provisions of this section regarding the issuance,
70 renewal, and suspension of a concealed carry endorsement and the
71 issuance and suspension of a license to hunt or fish;

72 (5) The date by which a person with a concealed carry
73 endorsement shall surrender the driver's license or nondriver's license
74 containing the concealed carry endorsement to the department of
75 revenue under subsection 2 of this section; and

76 (6) The right of the debtor to apply in writing to the court in
77 which the debt originated for review because the debt was previously
78 satisfied.

79 6. Any debtor applying to the court for review shall file a written
80 application within thirty days of the date of mailing of the notice and
81 send a copy of the application to the office of state courts
82 administrator. The application for review shall contain the name of the

83 debtor, the case name and number from which the debt arose, and the
84 grounds for review. The court may upon application, or on its own
85 motion, hold a hearing on the application. The hearing shall be
86 ancillary to the original action with the only matters for determination
87 whether the debt was unsatisfied at the time the court reported the
88 delinquency to the office of state courts administrator and that the debt
89 remains unsatisfied.

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