

FIRST REGULAR SESSION

HOUSE BILL NO. 427

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BYRD, STEVENSON, GOODMAN,
PRATT AND YATES (Co-sponsors).

Read 1st time February 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1618L.011

AN ACT

To amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

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

Section A. Chapters 477 and 488, RSMo, are amended by adding thereto two new sections, to be known as sections 477.650 and 488.031, to read as follows:

2 **477.650. 1. There is hereby established in the state treasury the "Basic Civil Legal**
3 **Services Fund" to be administered by or under the direction of the Missouri supreme**
4 **court. All moneys collected pursuant to section 488.031, RSMo, shall be credited to the**
5 **fund. In addition to the court filing surcharges, moneys from other public or private**
6 **sources also may be deposited into the fund and all earnings of the fund shall be credited**
7 **to the fund. Fund moneys shall not be considered state funds or subject to appropriation.**
8 **The purpose of this section is to increase the funding available for basic civil legal services**
9 **to eligible low-income persons as such persons are defined by the Federal Legal Services'**
10 **Corporation Income Eligibility Guidelines.**

11 **2. Funds in the basic civil legal services fund shall be allocated annually and**
12 **expended to provide legal representation to eligible low-income persons in the state in civil**
13 **matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund**
14 **shall at least annually be distributed to the legal services organizations in Missouri that**
15 **qualify for federal Legal Services Corporation funding. The moneys so distributed shall**
16 **be used by legal services organizations in Missouri solely to provide legal services to eligible**
17 **low-income persons as such persons are defined by the Federal Legal Services'**
18 **Corporation Income Eligibility Guidelines. Fund moneys shall be subject to all restrictions**
imposed on such legal services organizations by law. Moneys shall be allocated to the

19 programs according to the funding formula employed by the Legal Services Corporation
20 for the distribution of moneys to Missouri. Notwithstanding the provisions of section
21 33.080, RSMo, to the contrary, any balance remaining in the basic civil legal services fund
22 at the end of the biennium shall not revert to the credit of the general revenue fund.
23 Moneys in the basic civil legal services fund shall not be used to pay any portion of a
24 refund mandated by article X, section 15 of the Missouri Constitution.

25 3. The Missouri supreme court, or the court's designee, shall be the administrator
26 of the fund and shall administer the fund in such manner as determined by the Missouri
27 supreme court, including in accordance with any rules and policies adopted by the
28 Missouri supreme court for such purpose.

29 4. Each recipient of moneys from the basic civil legal services fund shall maintain
30 appropriate records accounting for the receipt and expenditure of all moneys distributed
31 and received pursuant to this section. Such records shall be maintained for a period of five
32 years from the close of the fiscal year in which such moneys are distributed or received, or
33 until audited, whichever first occurs. All moneys distributed or received under this section
34 shall be subject to audit by the Missouri supreme court or the state auditor.

488.031. 1. In addition to other fees authorized by law, the clerk of each court in
2 this state shall collect the following fees on the filing of any civil or criminal action or
3 proceeding, including an appeal, in this state:

4 (1) Supreme court and courts of appeals: twenty dollars;

5 (2) Circuit courts: twenty dollars;

6 (3) Associate circuit courts: ten dollars; and

7 (4) Small claims courts: no additional fee.

8 2. Court filing surcharges under this section shall be collected in the same manner
9 as other fees, fines, or costs in the case. The amounts so collected shall be paid by the clerk
10 to the office of the state courts administrator and credited to the special fund designated
11 as the basic civil legal services fund. However, the additional fees prescribed by this
12 section shall not be collected when a criminal proceeding or defendant has been dismissed
13 by the court or when costs are waived or are to be paid by the state, county, municipality,
14 or other political subdivision of the state.