

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 427

92ND GENERAL ASSEMBLY

Reported from the Committee on Judiciary March 12, 2003, with recommendation that the House Committee Substitute for House Bill No. 427 Do Pass by Consent.

Perfectd by Consent March 19, 2003.

STEPHEN S. DAVIS, Chief Clerk

1618L.04P

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:

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

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for federal legal services corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to

16 eligible low-income persons as such persons are defined by the Federal Legal Services'
 17 Corporation Income Eligibility Guidelines. Fund money shall be subject to all restrictions
 18 imposed on such legal services organizations by law. Funds shall be allocated to the
 19 programs according to the funding formula employed by the legal services corporation for
 20 the distribution of funds to this state. Notwithstanding the provisions of section 33.080,
 21 RSMo, any balance remaining in the basic civil legal services fund at the end of any year
 22 shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal
 23 services fund shall not be used to pay any portion of a refund mandated by article X,
 24 section 15 of the Missouri Constitution.

25 3. The Missouri supreme court, or a person or organization designated by the
 26 court, is the administrator and shall administer the fund in such manner as determined by
 27 the Missouri supreme court, including in accordance with any rules and policies adopted
 28 by the Missouri supreme court for such purpose. Moneys from the fund shall be used to
 29 pay for the collection of the fee and the implementation and administration of the fund.

30 4. Each recipient of funds from the basic civil legal services fund shall maintain
 31 appropriate records accounting for the receipt and expenditure of all funds distributed and
 32 received pursuant to this section. These records must be maintained for a period of five
 33 years from the close of the fiscal year in which such funds are distributed or received or
 34 until audited, whichever is sooner. All funds distributed or received pursuant to this
 35 section are 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 shall
 2 collect the following fees on the filing of any civil or criminal action or proceeding,
 3 including an appeal:

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

8 2. For circuit and associate division cases, the surcharges collected by the clerks of
 9 the courts shall be collected and disbursed as provided by sections 488.010 to 488.020.
 10 Such fees shall be payable to the state treasurer, to be deposited into the basic civil legal
 11 services fund.

12 3. For supreme court and court of appeals cases, the clerk of the court in which the
 13 notice of appeal is initially filed shall collect and disburse the surcharge in the manner
 14 provided by sections 488.010 to 488.020 and such court costs shall be payable to the
 15 director of revenue for deposit to the basic civil legal services fund. For all other cases filed
 16 in the supreme court or the court of appeals, the clerk of the supreme court or court of

17 **appeals shall collect and disburse the surcharge in the manner provided by sections**
18 **488.010 to 488.020 and such court costs shall be payable to the director of revenue for**
19 **deposit to the basic civil legal services fund.**

20 **4. The additional fees prescribed by this section shall not be collected when a**
21 **criminal proceeding or defendant has been dismissed by the court or when costs are waived**
22 **or are to be paid by the state, county, municipality, or other political subdivision of this**
23 **state.**