

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 613**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Judiciary March 13, 2003, with recommendation that the House Committee Substitute for House Bill No. 613 Do Pass by Consent.

Perfected by Consent March 19, 2003.

STEPHEN S. DAVIS, Chief Clerk

1781L.03P

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**AN ACT**

To repeal sections 43.530, 57.290, 67.133, 210.145, 452.311, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 517.141, 517.151, 536.077, 540.011, and 540.021, RSMo, and to enact in lieu thereof twenty-five new sections relating to court procedures, with penalty provisions.

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

Section A. Sections 43.530, 57.290, 67.133, 210.145, 452.311, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 517.141, 517.151, 536.077, 540.011, and 540.021, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 43.530, 57.290, 210.145, 452.311, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 536.077, and 540.021, to read as follows:

43.530. For each request received by the central repository, as defined in subdivision (1) of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than fourteen dollars per request for classification and search of fingerprints. Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher,

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

6 [or] money order, **or electronic payment** payable to the state of Missouri-criminal record  
7 system. **The highway patrol may establish procedures for receiving requests for criminal**  
8 **history record information for classification and search for fingerprints, from courts and**  
9 **other entities, and for the payment of such requests.** There is hereby established by the  
10 treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund".  
11 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected  
12 and deposited into this fund are not totally expended annually for the purposes set forth in section  
13 43.527, the unexpended moneys in such fund shall remain in the fund and the balance shall be  
14 kept in the fund to accumulate from year to year.

57.290. 1. [Sheriffs, county marshals or other officers shall be allowed a charge for their  
2 services rendered in criminal cases and in all proceedings for contempt or attachment, as required  
3 by law, the sum of seventy-five dollars for each felony case or contempt or attachment  
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding  
5 cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule.  
6 Such charges shall be charged and collected in the manner provided by sections 488.010 to  
7 488.020, RSMo, and shall be payable to the county treasury.

8 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall  
9 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each  
10 pleading, writ, summons, order of court or other document served in connection with the case  
11 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum  
12 amount of the total charge received pursuant to subsection 1 of this section.

13 3.] In cities and counties having a population of three hundred thousand inhabitants and  
14 over, each deputy sheriff, not more than two, shall be allowed for each day during the term of  
15 court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

16 [4.] 2. For the services of taking convicted offenders to the reception and diagnostic  
17 center designated by the director of the department of corrections, the sheriff, county marshal or  
18 other officers shall receive the sum of eight dollars per day for the time actually and necessarily  
19 employed in traveling to and from the reception and diagnostic center, and each guard shall  
20 receive the sum of six dollars per day for the same, and the sheriff, county marshal or other  
21 officer and guard shall receive the mileage rate prescribed by this section for the distance  
22 necessarily traveled in going to and returning from the reception and diagnostic center, the time  
23 and distance to be estimated by the most usually traveled route from the place of departure to the  
24 reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled  
25 shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken  
26 to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment  
27 in the department of corrections at any term or sitting of the court, shall be taken to the reception

28 and diagnostic center at the same time, unless prevented by sickness or unavoidable accident.  
29 In cities having a population of two hundred thousand inhabitants or more, convicted offenders  
30 shall be taken to the reception and diagnostic center as often as the sheriff deems necessary.  
31 When three or more convicted offenders are being taken to the reception and diagnostic center  
32 at one time, a guard may be employed, but no guard shall be employed for a less number of  
33 convicted offenders except upon the order, entered of record, of the judge of the court in which  
34 the conviction was had, and any additional guards employed by order of the judge shall, in no  
35 event, exceed one for every three convicted offenders; and before any claim for taking convicted  
36 offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying  
37 such convicted offender, shall file with the state commissioner of administration an itemized  
38 statement of such sheriff's account, in which the sheriff shall give the name of each convicted  
39 offender conveyed and the name of each guard actually employed, with the number of miles  
40 necessarily traveled and the number of days required, which in no case shall exceed three days,  
41 and which account shall be signed and sworn to by such officer and accompanied by a certificate  
42 from the chief administrative officer or such officer's designee of the reception and diagnostic  
43 center, that such convicted offenders have been delivered at the reception and diagnostic center  
44 and were accompanied by each of the officers and guards named in the account.

45 [5.] 3. The sheriff or other officer who shall take a person, charged with a criminal  
46 offense, from the county in which the offender is apprehended to that in which the offense was  
47 committed, or who may remove a prisoner from one county to another for any cause authorized  
48 by law, or who shall have in custody or under such sheriff's or officer's charge any person  
49 undergoing an examination preparatory to such person's commitment more than one day for  
50 transporting, safekeeping and maintaining any such person, shall be allowed by the court having  
51 cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or  
52 officer may have such person under such sheriff's or officer's charge, when the number of days  
53 shall exceed one, and the mileage rate prescribed by this section for every mile necessarily  
54 traveled in going to and returning from one county to another, and the guard employed, who shall  
55 in no event exceed the number allowed the sheriff, marshal or other officer in transporting  
56 convicted offenders to the reception and diagnostic center, shall be allowed the same  
57 compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall  
58 be allowed for board and all other expenses of each prisoner. No compensation shall be allowed  
59 under this section for taking the prisoner or prisoners from one place to another in the same  
60 county, excepting in counties which have two or more courts with general criminal jurisdiction.  
61 In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place  
62 of trial as are allowed for conveying prisoners in like cases from one county to another, and the  
63 expenses incurred in transporting prisoners from one county to another, occasioned by the

64 insufficiency of the county jail or threatened mob violence, shall be paid by the county in which  
65 such case may have originated; provided that the court is held at a place more than five miles  
66 from the jail; and no court shall allow the expense of a guard, although it may have actually been  
67 incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was  
68 necessary; provided, that when the place of conviction is remote from a railroad, upon which a  
69 convicted offender may be transported to the reception and diagnostic center, the court before  
70 which such convicted offender is sentenced may, for good cause shown, allow one guard for  
71 every two convicted offenders, such guard to receive three dollars a day and the mileage rate  
72 prescribed by this section for every mile necessarily traveled in going to and returning from the  
73 nearest depot on said railroad to the place where such convicted offender was sentenced.

74 [6. The charges provided in subsection 1 of this section shall be taxed as other costs in  
75 criminal procedure immediately after conviction of any defendant in any criminal procedure.  
76 The clerk shall tax all the costs in the case against such defendant, which shall be collected and  
77 disbursed as provided by sections 488.010 to 488.020, RSMo; provided, that no such charge  
78 shall be collected in any proceeding in any court when the proceeding or the defendant has been  
79 dismissed by the court; provided further, that all costs, incident to the issuing and serving of  
80 writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant,  
81 shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire  
82 facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for  
83 witnesses shall be paid by such witnesses.]

84 [7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all  
85 services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service  
86 for allowable expenses for motor vehicle use expressed as an amount per mile.

210.145. 1. The division shall establish and maintain an information system operating  
2 at all times, capable of receiving and maintaining reports. This information system shall have  
3 the ability to receive reports over a single, statewide toll-free number. Such information system  
4 shall maintain the results of all investigations, family assessments and services, and other  
5 relevant information.

6 2. Upon receipt of a report, the division shall immediately communicate such report to  
7 its appropriate local office and any relevant information as may be contained in the information  
8 system. The local division staff shall determine, through the use of protocols developed by the  
9 division, whether an investigation or the family assessment and services approach should be used  
10 to respond to the allegation. The protocols developed by the division shall give priority to  
11 ensuring the well-being and safety of the child.

12 3. The local office shall contact the appropriate law enforcement agency immediately  
13 upon receipt of a report which division personnel determine merits an investigation, or, which,

14 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,  
15 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,  
16 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or  
17 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and  
18 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a  
19 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,  
20 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to  
21 commit any such crimes. The local office shall provide such agency with a detailed description  
22 of the report received. In such cases the local division office shall request the assistance of the  
23 local law enforcement agency in all aspects of the investigation of the complaint. The  
24 appropriate law enforcement agency shall either assist the division in the investigation or provide  
25 the division, within twenty-four hours, an explanation in writing detailing the reasons why it is  
26 unable to assist.

27         4. The local office of the division shall cause an investigation or family assessment and  
28 services approach to be initiated immediately or no later than within twenty-four hours of receipt  
29 of the report from the division, except in cases where the sole basis for the report is educational  
30 neglect. If the report indicates that educational neglect is the only complaint and there is no  
31 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours  
32 of receipt of the report. If the report indicates the child is in danger of serious physical harm or  
33 threat to life, an investigation shall include direct observation of the subject child within  
34 twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary  
35 steps to facilitate such direct observation. If the parents of the child are not the alleged abusers,  
36 [the parents] **a parent** of the child must be notified prior to the child being interviewed by the  
37 division. The division shall not meet with the child [in any location where abuse of such child  
38 is alleged to have occurred] **at the child's school or child care facility**. When the child is  
39 reported absent from the residence, the location and the well-being of the child shall be verified.

40         5. The director of the division shall name at least one chief investigator for each local  
41 division office, who shall direct the division response on any case involving a second or  
42 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
43 investigator shall include verification of direct observation of the subject child by the division  
44 and shall ensure information regarding the status of an investigation is provided to the public  
45 school district liaison. The public school district liaison shall develop protocol in conjunction  
46 with the chief investigator to ensure information regarding an investigation is shared with  
47 appropriate school personnel. The superintendent of each school district shall designate a  
48 specific person or persons to act as the public school district liaison. Should the subject child  
49 attend a nonpublic school the chief investigator shall notify the school principal of the

50 investigation. Upon notification of an investigation, all information received by the public  
51 school district liaison or the school shall be subject to the provisions of the federal Family  
52 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
53 C.F.R., Part 99.

54 6. The investigation shall include but not be limited to the nature, extent, and cause of  
55 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
56 names and conditions of other children in the home, if any; the home environment and the  
57 relationship of the subject child to the parents or other persons responsible for the child's care;  
58 any indication of incidents of physical violence against any other household or family member;  
59 and other pertinent data.

60 7. When a report has been made by a person required to report under section 210.115,  
61 the division shall contact the person who made such report within forty-eight hours of the receipt  
62 of the report in order to ensure that full information has been received and to obtain any  
63 additional information or medical records, or both, that may be pertinent.

64 8. Upon completion of the investigation, if the division suspects that the report was made  
65 maliciously or for the purpose of harassment, the division shall refer the report and any evidence  
66 of malice or harassment to the local prosecuting or circuit attorney.

67 9. Multidisciplinary teams shall be used whenever conducting the investigation as  
68 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
69 shall be used in providing protective or preventive social services, including the services of law  
70 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
71 other agencies, both public and private.

72 10. If the appropriate local division personnel determine after an investigation has begun  
73 that completing an investigation is not appropriate, the division shall conduct a family  
74 assessment and services approach. The division shall provide written notification to local law  
75 enforcement prior to terminating any investigative process. The reason for the termination of  
76 the investigative process shall be documented in the record of the division and the written  
77 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
78 any investigation by law enforcement.

79 11. If the appropriate local division personnel determines to use a family assessment and  
80 services approach, the division shall:

81 (1) Assess any service needs of the family. The assessment of risk and service needs  
82 shall be based on information gathered from the family and other sources;

83 (2) Provide services which are voluntary and time-limited unless it is determined by the  
84 division based on the assessment of risk that there will be a high risk of abuse or neglect if the  
85 family refuses to accept the services. The division shall identify services for families where it

86 is determined that the child is at high risk of future abuse or neglect. The division shall  
87 thoroughly document in the record its attempt to provide voluntary services and the reasons these  
88 services are important to reduce the risk of future abuse or neglect to the child. If the family  
89 continues to refuse voluntary services or the child needs to be protected, the division may  
90 commence an investigation;

91 (3) Commence an immediate investigation if at any time during the family assessment  
92 and services approach the division determines that an investigation, as delineated in sections  
93 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
94 remain involved in the provision of services to the child and family;

95 (4) Document at the time the case is closed, the outcome of the family assessment and  
96 services approach, any service provided and the removal of risk to the child, if it existed.

97 12. Within thirty days of an oral report of abuse or neglect, the local office shall update  
98 the information in the information system. The information system shall contain, at a minimum,  
99 the determination made by the division as a result of the investigation, identifying information  
100 on the subjects of the report, those responsible for the care of the subject child and other relevant  
101 dispositional information. The division shall complete all investigations within thirty days,  
102 unless good cause for the failure to complete the investigation is documented in the information  
103 system. If the investigation is not completed within thirty days, the information system shall be  
104 updated at regular intervals and upon the completion of the investigation. The information in  
105 the information system shall be updated to reflect any subsequent findings, including any  
106 changes to the findings based on an administrative or judicial hearing on the matter.

107 13. A person required to report under section 210.115 to the division shall be informed  
108 by the division of his right to obtain information concerning the disposition of his or her report.  
109 Such person shall receive, from the local office, if requested, information on the general  
110 disposition of his or her report. A person required to report to the division pursuant to section  
111 210.115 may receive, if requested, findings and information concerning the case. Such release  
112 of information shall be at the discretion of the director based upon a review of the mandated  
113 reporter's ability to assist in protecting the child or the potential harm to the child or other  
114 children within the family. The local office shall respond to the request within forty-five days.  
115 The findings shall be made available to the mandated reporter within five days of the outcome  
116 of the investigation.

117 14. In any judicial proceeding involving the custody of a child the fact that a report may  
118 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,  
119 nothing in this subsection shall prohibit the introduction of evidence from independent sources  
120 to support the allegations that may have caused a report to have been made.

121 15. In any judicial proceeding involving the custody of a child where the court

122 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of  
123 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall  
124 not be entered into the registry.

125 16. The division of family services is hereby granted the authority to promulgate rules  
126 and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo,  
127 to carry out the provisions of sections 210.109 to 210.183.

128 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
129 is created under the authority delegated in this section shall become effective only if it complies  
130 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
131 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
132 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
133 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
134 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
135 invalid and void.

452.311. A petition is not filed within the meaning of supreme court rule 53.01 in any  
2 cause of action authorized by the provisions of this chapter, unless a summons is issued forthwith  
3 as required by supreme court rule 54.01, a verified **and notarized** entry of appearance of  
4 respondent is filed or an attorney files an entry of appearance on behalf of respondent.

455.027. No filing fees, court costs, or bond shall be assessed **to the petitioner** in an  
2 action commenced pursuant to sections 455.010 to 455.085.

455.030. 1. When the court is unavailable after business hours or on holidays or  
2 weekends, a verified petition for protection from abuse or a motion for hearing on violation of  
3 any order of protection under sections 455.010 to 455.085 may be filed before any available  
4 court in the city or county having jurisdiction to hear the petition pursuant to the guidelines  
5 developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant  
6 to section 455.035.

7 2. All papers in connection with the filing of a petition or the granting of an ex parte  
8 order of protection or a motion for a hearing on a violation of an order of protection under this  
9 section shall be certified by such court or the clerk within the next regular business day to the  
10 circuit court having jurisdiction to hear the petition.

11 3. A petitioner seeking a protection order shall not be required to reveal any current  
12 address or place of residence except to the court in camera for the purpose of determining  
13 jurisdiction and venue. The petitioner may be required to provide a mailing address unless the  
14 petitioner alleges that he or she would be endangered by such disclosure, or that other family or  
15 household members would be endangered by such disclosure. **Effective January 1, 2004, a**  
16 **petitioner shall not be required to provide his or her Social Security number on any**

17 **petition or document filed in connection with a protection order; except that, the court may**  
18 **require that a petitioner's Social Security number be retained on a confidential case sheet**  
19 **or other confidential record maintained in conjunction with the administration of the case.**

20 4. The supreme court shall develop guidelines which ensure that a verified petition may  
21 be filed on holidays, evenings and weekends.

455.504. 1. The clerk of the court shall make available to the petitioner the uniform  
2 forms adopted by the supreme court pursuant to section 455.073. Except as provided in section  
3 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented  
4 by counsel the procedures for filing all forms and pleadings necessary for the presentation of  
5 their petition filed pursuant to the provisions of sections 455.500 to 455.538 to the court. Notice  
6 of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks'  
7 offices. The location of the office where a petition can be filed shall be conspicuously posted  
8 in the court building. The performance of duties prescribed in this section shall not constitute  
9 the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in  
10 this section shall be performed without cost to the litigants. The supreme court may promulgate  
11 rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall  
12 provide forms for petitions and written instructions on filling out all forms and pleadings  
13 necessary for the presentation of the petition to the court.

14 2. No filing fees, court costs, or bond shall be assessed **to the petitioner** in an action  
15 commenced under sections 455.500 to 455.538.

16 3. The clerk shall immediately notify the guardian ad litem or court-appointed special  
17 advocate of appointment and shall provide such guardian or advocate with a copy of the petition  
18 for the order of protection for the child. The clerk shall provide such guardian or advocate with  
19 the names, addresses, and telephone numbers of the parties within twenty-four hours of entry of  
20 the order appointing the guardian ad litem or court-appointed special advocate.

455.516. 1. Not later than fifteen days after the filing of a petition under sections  
2 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that  
3 a continuance should be granted. At the hearing, which may be an open or a closed hearing at  
4 the discretion of the court, whichever is in the best interest of the child, if the petitioner has  
5 proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue  
6 a full order of protection for a definite period of time, not to exceed one hundred eighty days.  
7 The court may allow as evidence any in camera videotape made of the testimony of the child  
8 pursuant to section 491.699, RSMo. The provisions of section 491.075, RSMo, relating to  
9 admissibility of statements of a child under the age of twelve shall apply to any hearing under  
10 the provisions of sections 455.500 to 455.538. Upon motion by either party, the guardian ad  
11 litem or the court-appointed special advocate, and after a hearing by the court, the full order of

12 protection may be renewed for a period not to exceed one hundred eighty days from the  
13 expiration date of the originally issued full order of protection. If for good cause a hearing  
14 cannot be held on the motion to renew the full order of protection prior to the expiration date of  
15 the originally issued full order of protection, an ex parte order of protection may be issued until  
16 a hearing is held on the motion. Upon motion by either party, the guardian ad litem or the court  
17 appointed special advocate, and after a hearing by the court, the second full order of protection  
18 may be renewed for an additional period not to exceed one hundred eighty days from the  
19 expiration date of the second full order of protection. If for good cause a hearing cannot be held  
20 on the motion to renew the second full order of protection prior to the expiration date of the  
21 second order, an ex parte order of protection may be issued until a hearing is held on the motion.  
22 The total time period for the consecutive orders of protection based upon the original petition  
23 shall not exceed eighteen months. For purposes of this subsection, a finding by the court of a  
24 subsequent act of abuse is not required for a renewal order of protection.

25       2. The court shall cause a copy of the petition and notice of the date set for the hearing  
26 on such petition and any ex parte order of protection to be personally served upon the respondent  
27 by personal process server as provided by law or by any sheriff or police officer at least three  
28 days prior to such hearing. Such shall be served at the earliest time, and service of such shall  
29 take priority over service in other actions, except those of a similar emergency nature. The court  
30 shall cause a copy of any full order of protection to be served upon or mailed by certified mail  
31 to the respondent at his last known address. Failure to serve or mail a copy of the full order of  
32 protection to the respondent shall not affect the validity or enforceability of a full order of  
33 protection.

34       3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be  
35 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the  
36 petitioner resides. **The clerk shall also issue a copy of any order of protection to the local**  
37 **law enforcement agency responsible for maintaining the Missouri uniform law**  
38 **enforcement system (MULES) or any other comparable law enforcement system the same**  
39 **day the order is granted. The law enforcement agency responsible for maintaining**  
40 **MULES shall enter information contained in the order for purposes of verification within**  
41 **twenty-four hours from the time the order is granted.** A notice of expiration or of  
42 termination of any order of protection shall be issued to such local law enforcement agency **and**  
43 **to the law enforcement agency responsible for maintaining MULES or any other**  
44 **comparable law enforcement system. The law enforcement agency responsible for**  
45 **maintaining the applicable law enforcement system shall enter such information in the**  
46 **system. The information contained in an order of protection may be entered in the**  
47 **Missouri uniform law enforcement system or comparable law enforcement system using**

48 **a direct automated data transfer from the court automated system to the law enforcement**  
49 **system.**

50 **4. A copy of the petition and notice of the date set for the hearing on such petition**  
51 **and any order of protection granted pursuant to sections 455.500 to 455.538 shall be issued**  
52 **to the juvenile office in the jurisdiction where the petitioner resides. A notice of expiration**  
53 **or of termination of any order of protection shall be issued to such juvenile office.**

476.055. 1. There is hereby established in the state treasury the "Statewide Court  
2 Automation Fund". All moneys collected pursuant to section [476.053] **488.027, RSMo**, as well  
3 as gifts, contributions, devises, bequests, and grants received relating to automation of judicial  
4 record keeping, and moneys received by the judicial system for the dissemination of information  
5 and sales of publications developed relating to automation of judicial record keeping, shall be  
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth  
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining  
8 in the statewide court automation fund at the end of each biennium shall not be subject to the  
9 provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to  
10 general revenue; except that, any unexpended balance remaining in the fund on September 1,  
11 [2004] **2005**, shall be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation  
13 committee consisting of the following: the chief justice of the supreme court, a judge from the  
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit  
15 court, the commissioner of administration, two members of the house of representatives  
16 appointed by the speaker of the house, two members of the senate appointed by the president pro  
17 tem of the senate and two members of the Missouri Bar. The judge members and employee  
18 members shall be appointed by the chief justice. The commissioner of administration shall serve  
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the  
20 Missouri Bar.

21  
22 Any member of the committee may designate another person to serve on the committee in place  
23 of the committee member.

24 3. The committee shall develop and implement a plan for a statewide court automation  
25 system. The committee shall have the authority to hire consultants, review systems in other  
26 jurisdictions and purchase goods and services to administer the provisions of this section. The  
27 committee may implement one or more pilot projects in the state for the purposes of determining  
28 the feasibility of developing and implementing such plan. The members of the committee shall  
29 be reimbursed from the court automation fund for their actual expenses in performing their  
30 official duties on the committee.

31           4. Any purchase of computer software or computer hardware that exceeds five thousand  
32 dollars shall be made pursuant to the requirements of the office of administration for lowest and  
33 best bid. Such bids shall be subject to acceptance by the office of administration. The court  
34 automation committee shall determine the specifications for such bids.

35           5. The court automation committee shall not require any circuit court to change any  
36 operating system in such court, unless the committee provides all necessary personnel, funds and  
37 equipment necessary to effectuate the required changes. No judicial circuit or county may be  
38 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or  
39 county has the approval of the court automation committee prior to incurring the specific cost.

40           6. Any court automation system, including any pilot project, shall be implemented,  
41 operated and maintained in accordance with strict standards for the security and privacy of  
42 confidential judicial records. Any person who knowingly releases information from a  
43 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that  
44 a judicial record is confidential, uses information from such confidential record for financial gain  
45 is guilty of a class D felony.

46           7. On the first day of February, May, August and November of each year, the court  
47 automation committee shall file a report on the progress of the statewide automation system with  
48 the joint legislative committee on court automation. Such committee shall consist of the  
49 following:

50           (1) The chair of the house budget committee;  
51           (2) The chair of the senate appropriations committee;  
52           (3) The chair of the house judiciary committee;  
53           (4) The chair of the senate judiciary committee;  
54           (5) One member of the minority party of the house appointed by the speaker of the house  
55 of representatives; and

56           (6) One member of the minority party of the senate appointed by the president pro  
57 tempore of the senate.

58           8. The members of the joint legislative committee shall be reimbursed from the court  
59 automation fund for their actual expenses incurred in the performance of their official duties as  
60 members of the joint legislative committee on court automation.

61           9. Section [476.053] **488.027, RSMo**, shall expire on September 1, [2004] **2005**. The  
62 court automation committee established pursuant to this section may continue to function until  
63 completion of its duties prescribed by this section, but shall complete its duties prior to  
64 September 1, [2007] **2011**.

65           10. This section shall expire on September 1, [2007] **2011**.

476.058. 1. As used in this section, the term "court personnel" includes all personnel of

2 all state courts and all divisions of the courts, including juvenile, family and municipal divisions,  
3 and clerks, deputy clerks, division clerks, official court reporters, law clerks and court  
4 administrators, but not including judges.

5 2. There is hereby established in the state treasury the "State Court Administration  
6 Revolving Fund". Any moneys received by or on behalf of the state court administrator from  
7 registration fees, grants, or any other source in connection with the training and education of  
8 court personnel provided pursuant to this section shall be deposited into the fund.

9 3. **In addition, any moneys received by or on behalf of the state courts**  
10 **administrator from fees, grants, or any other sources in connection with the preparation**  
11 **of court transcripts shall be deposited in the fund provided, however, that moneys collected**  
12 **in the fund in connection with a particular purpose shall be segregated and shall not be**  
13 **disbursed for any other purpose.**

14 4. The state treasurer shall administer the fund and shall disburse moneys from the fund  
15 to the state courts administrator pursuant to appropriations in order to provide training [and], to  
16 purchase goods and services related to the training and education of court personnel, **and to pay**  
17 **for goods and services associated with the preparation of court transcripts.**

18 [4.] 5. Any unexpended balance remaining in the fund at the end of each biennium shall  
19 be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended  
20 balances to the general revenue fund, until the amount in the state courts administration  
21 revolving fund exceeds the greater of either one-half of the expenditures from the fund during  
22 the previous year, or fifty thousand dollars.

476.340. 1. The governing body of the conference, between annual sessions, shall be  
2 the executive council. The executive council shall consist of the following members:

3 (1) The chief justice of the supreme court, or some member of the supreme court  
4 appointed by him;

5 (2) Two other members of the supreme court appointed by the supreme court;

6 (3) One member of each district of the court of appeals elected by the judges thereof,  
7 respectively;

8 (4) Eight circuit judges, other than judges of the probate division, three of whom shall  
9 be elected for three-year terms, one from each district of the court of appeals, by the circuit  
10 judges, other than judges of the probate division, of the district to represent each of the districts  
11 of the court of appeals, respectively. A judge whose circuit is in part in more than one district  
12 of the court of appeals may vote in and be elected to represent either district but not both. Five  
13 of the circuit judges on the council shall be elected for three-year terms by the circuit judges of  
14 the state;

15 (5) One judge of the probate division of circuit courts in counties having a population

16 of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate  
17 divisions of the circuit courts in such counties;

18 (6) Three associate circuit judges elected for three-year terms, one from each district of  
19 the court of appeals, by the associate circuit judges of the district to represent each of the districts  
20 of the court of appeals, respectively;

21 (7) Three other associate circuit judges elected for three-year terms by the associate  
22 circuit judges of the state;

23 (8) One associate circuit judge from counties having a population of thirty thousand  
24 inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

25 (9) One retired judge or commissioner who is a member of the judicial conference  
26 elected for a three-year term by such judges and commissioners. Members of the executive  
27 council on August 28, [1993] **2003**, shall serve out their terms and their replacements shall be  
28 elected under the provisions of this section. **Vacancies shall be filled for the unexpired term**  
29 **of any member as provided by resolution of the judicial conference.**

30 2. The executive council shall have general supervision of the work of the conference  
31 and such other duties and authority as may be given to it under rules or resolutions adopted by  
32 the conference. The members of the executive council shall elect one of its members vice  
33 president to act in the absence of the chief justice.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at  
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a  
3 schedule of fines to be paid for violations of [section] **sections 210.104, 577.070, and 577.073,**  
4 **RSMo**, and chapters 252, 301, 302, 304, 306, 307 and 390, **RSMo**, with such fines increasing  
5 in proportion to the severity of the violation. The associate circuit judges of each county may  
6 meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant  
7 to this section. Notice of such adoption and participation shall be given in the manner provided  
8 by supreme court rule. Upon order of the supreme court, the associate circuit judges of each  
9 county may meet en banc and establish and maintain a schedule of fines to be paid for violations  
10 of municipal ordinances for cities, towns and villages electing to have violations of its municipal  
11 ordinances heard by associate circuit judges, pursuant to section 479.040, **RSMo**; and for traffic  
12 court divisions established pursuant to section 479.500, **RSMo**. The schedule of fines adopted  
13 for violations of municipal ordinances may be modified from time to time as the associate circuit  
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection  
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include  
17 offenses involving the following:

18 (1) Any violation resulting in personal injury or property damage to another person;

19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or  
20 drugs;

21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order  
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the  
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of  
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of  
27 guilty and payment of a fine, all court costs which would have been collected by the court of the  
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment  
30 in the amount of the fine and any court costs established for the violation to the centralized  
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail  
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,  
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of  
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding  
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,  
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any  
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau  
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed  
39 on the recipient of the credit card payment by the credit card company.

40 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to  
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor  
42 having original jurisdiction over the offense. Any trial shall be conducted at the location  
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in  
44 writing such person of the date certain for the disposition of such charges. The prosecutor shall  
45 not be required to sign any information, ticket or indictment until the commencement of any  
46 proceeding by the prosecutor with respect to the notice of violation.

47 6. In courts adopting a schedule of fines pursuant to this section, any person receiving  
48 a notice of violation pursuant to this section shall also receive written notification of the  
49 following:

50 (1) The fine and court costs established pursuant to this section for the violation or  
51 information regarding how the person may obtain the amount of the fine and court costs for the  
52 violation;

53 (2) That the person must respond to the notice of violation by paying the prescribed fine  
54 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties

55 prescribed by law may attach for failure to appear and dispose of the violation. The supreme  
56 court may modify the suggested forms for uniform complaint and summons for use in courts  
57 adopting the procedures provided by this section, in order to accommodate such required written  
58 notifications.

59         7. Any moneys received in payment of fines and court costs pursuant to this section shall  
60 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit  
61 of those persons or entities entitled to receive such funds pursuant to this subsection. All  
62 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested  
63 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260  
64 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any  
65 interest earned on such fund shall be payable to the director of the department of revenue for  
66 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer  
67 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful  
68 appropriations, only to the judicial branch of state government for goods and services related to  
69 the administration of the judicial system.

70         8. Any person who receives a notice of violation subject to this section who fails to  
71 dispose of such violation as provided by this section shall be guilty of failure to appear provided  
72 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner  
73 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate  
74 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not  
75 guilty and request a trial within the time allotted by this section, for purposes of application of  
76 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of  
77 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon  
78 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified  
79 by the court.

80         9. In addition to the remedies provided by subsection 8 of this section, the centralized  
81 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,  
82 for the collection of court costs payable to courts, in order to collect fines and court costs for  
83 violations subject to this section.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance  
2 Commission". The commission shall be composed of seven members appointed by the supreme  
3 court. At least one member of the commission shall be a member of a county governing body  
4 from a county of the third class, one member of the commission shall be a member of the county  
5 governing body of a county of the first class, and one member of the commission shall be a  
6 member of a county governing body from any class of county. The supreme court shall designate  
7 one member to serve as chairman and one member as vice chairman. The vice chairman shall

8 preside in the absence of the chairman.

9       2. The members of the commission shall serve for terms of three years and until their  
10 successors are appointed and qualified; except that of the initial members appointed, three shall  
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms  
12 of three years, as designated by the court.

13       3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve  
14 the unexpired portion of the term and may be appointed to successive terms.

15       4. The commission shall promulgate rules of procedure which shall become effective  
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems  
17 appropriate to govern the procedures of the commission.

18       5. The commission shall:

19       (1) Examine the budget request of the circuit court upon the petition by the county  
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget  
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and  
22 assistants, as set forth in section 57.250, RSMo;

23       (2) Issue a written opinion addressed to the presiding circuit judge and the presiding  
24 officer of the county. The opinion shall state the conclusions of the commission as to the  
25 reasonableness of the circuit court budget request. The opinion of the commission shall state  
26 clearly the reasons for its decision. Any member of the commission who disagrees with the  
27 commission's findings may file a minority report;

28       (3) Maintain accurate records of the cost and expenses of the judicial and law  
29 enforcement agencies for each county;

30       (4) Submit an annual report to the governor, general assembly, and supreme court on the  
31 finances of the judicial department. The report shall examine both the revenues of the  
32 department and the expenses of the department. The report shall [separately report on] **include**  
33 **the information from all divisions of the circuit court of each county including** the circuit,  
34 associate circuit, **probate**, juvenile and municipal divisions [of the circuit court of each county].  
35 **The information shall be reported separately except where the divisions are combined or**  
36 **consolidated.**

37       6. In discharging its responsibilities, the commission may:

38       (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records  
39 and documents;

40       (2) Conduct surveys and collect data from county governments and the circuit courts on  
41 the operations of the judicial and law enforcement agencies in each county. The commission and  
42 its staff shall be granted access at any reasonable time to all books, records, and data the  
43 commission deems necessary for the administration of its duties;

44           (3) Within the limits of appropriations made for the purpose, appoint special committees,  
45 accept and expend grant funds, and employ consultants and others to assist the commission in  
46 its work.

47           7. Upon receipt of the written opinion of the commission or upon refusal of the  
48 commission to accept a petition for review, the circuit court or the county governing body may  
49 seek a review by the supreme court by filing a petition for review in the supreme court within  
50 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the  
51 supreme court, then the recommendation of the commission shall take effect notwithstanding the  
52 provisions of section 50.600, RSMo. If the commission refused to review a petition and no  
53 petition is filed in the supreme court, the circuit court budget is approved as submitted to the  
54 county governing body. The supreme court shall consider the petition for review de novo.

55           8. The commission shall meet as necessary at the call of the chairman or on written  
56 request of four members. Four members constitute a quorum for the transaction of business.  
57 Upon request of the chairman, the supreme court may appoint a temporary replacement for any  
58 commissioner who is unable to hear a case or who is disqualified from any case. No member  
59 of the commission shall participate in any proceeding involving the county or circuit where the  
60 member resides.

61           9. Members of the commission shall receive no compensation for their services but shall  
62 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses  
63 incurred in the performance of their duties.

64           10. The clerk of the supreme court shall provide suitable staff for the commission out  
65 of any funds appropriated for this purpose. The commission may also employ court reporters  
66 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters  
67 shall be compensated at a rate established by the commission out of any funds appropriated for  
68 this purpose.

          488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may  
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit  
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court  
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are  
5 to be paid by the county or state or any city.

6           2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by  
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County may  
8 change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County  
9 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall  
10 become effective and remain in effect until further changed [beginning on January first if the  
11 office of state courts administrator is notified of the proposed change not later than the preceding

12 September first].

13           3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or  
14 are paid by the county or state or any city.

          488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county  
2 or circuit with a family court, for the purpose of aiding with the operation of the family court  
3 divisions and services provided by those divisions. In circuits or counties having a family court,  
4 the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling  
5 within the jurisdiction of the family court. The surcharge shall not be charged when no court  
6 costs are otherwise required, shall not be charged **against the petitioner** for actions filed  
7 pursuant to the provisions of chapter 455, RSMo, **but may be charged to the respondent in**  
8 **such actions**, shall not be charged to a government agency and shall not be charged in any  
9 proceeding when costs are waived or are to be paid by the state, county or municipality.

10           2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars  
11 may be assessed against the child, parent or custodian of the child, in addition to other amounts  
12 authorized by law, in informal adjustments made under the provisions of sections 211.081 and  
13 211.083, RSMo, and in an order of disposition or treatment under the provisions of section  
14 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the  
15 assessment is imposed [and shall be collected and disbursed in the manner provided by sections  
16 488.010 to 488.020].

17           3. All sums collected pursuant to this section and section 487.140, RSMo, shall be  
18 payable to the various county family services and justice funds.

19           4. Any moneys in the family services and justice fund not expended for salaries of  
20 commissioners, family court administrators and family court staff shall be used toward funding  
21 the enhanced services provided as a result of the establishment of a family court; however, it  
22 shall not replace or reduce the current and ongoing responsibilities of the counties to provide  
23 funding for the courts as required by law. Moneys collected for the family services and justice  
24 fund shall be expended for the benefit of litigants and recipients of services in the family court,  
25 with priority given to services such as mediation, counseling, home studies, psychological  
26 evaluation and other forms of alternative dispute-resolution services. Expenditures shall be  
27 made at the discretion of the presiding judge or family court administrative judge, as designated  
28 by the circuit and associate circuit judges en banc, for the implementation of the family court  
29 system as set forth in this section. No moneys from the family services and justice fund may be  
30 used to pay for mediation in any cause of action in which domestic violence is alleged.

31           5. From the funds collected pursuant to this section and retained in the family services  
32 and justice fund, each circuit or county in which a family court commissioner in addition to those  
33 commissioners existing as juvenile court commissioners on August 28, 1993, have been

34 appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state  
35 for the actual costs of that portion of the salaries of family court commissioners appointed  
36 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

37 6. No moneys deposited in the family services and justice fund may be expended for  
38 capital improvements.

488.4014. 1. A fee of ten dollars[, as provided in section 67.133, RSMo,] shall be  
2 assessed in all cases in which the defendant is convicted of violating any provision of chapters  
3 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law,  
4 twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars  
5 in all felony cases, in criminal cases including violations of any county ordinance or any  
6 violation of a criminal or traffic law of the state, except that no such fees shall be collected in any  
7 proceeding in any court when the proceeding or the defendant has been dismissed by the court  
8 or when costs are to be paid by the state, county or municipality. All fees collected under the  
9 provisions of **this** section [67.133, RSMo,] shall be collected and disbursed in the manner  
10 provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit  
11 those funds in the county treasury.

12 2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all  
13 sums collected, pursuant to **this** section [67.133, RSMo], on recognizances given to the state in  
14 criminal cases, which are or may become forfeited, if not more than five hundred dollars, and  
15 fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge[, as  
2 provided in section 57.290, RSMo,] for their services rendered in criminal cases and in all  
3 proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for  
4 each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case,  
5 and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau  
6 established pursuant to law or supreme court rule. Such charges shall be charged and collected  
7 in the manner provided by sections 488.010 to 488.020 and shall be payable to the county  
8 treasury.

9 2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1**  
10 **of this section** shall reimburse the sheriff of any other county or the City of St. Louis the sum  
11 of three dollars for each pleading, writ, summons, order of court or other document served in  
12 connection with the case or proceeding by the sheriff of the other county or city, and return made  
13 thereof, to the maximum amount of the total charge received pursuant to [section 57.290, RSMo]  
14 **subsection 1 of this section.**

15 [3. As provided in section 57.290, RSMo, in cities and counties having a population of  
16 three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy

17 sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city  
18 or county having a population of three hundred thousand inhabitants or over.

19 4. For the services of taking convicted offenders to the reception and diagnostic center  
20 designated by the director of the department of corrections, the sheriff, county marshal or other  
21 officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for  
22 the time actually and necessarily employed in traveling to and from the reception and diagnostic  
23 center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars  
24 per day for the same, and the sheriff, county marshal or other officer and guard shall, as provided  
25 in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the  
26 distance necessarily traveled in going to and returning from the reception and diagnostic center,  
27 the time and distance to be estimated by the most usually traveled route from the place of  
28 departure to the reception and diagnostic center; the mileage rate prescribed by section 57.290,  
29 RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each  
30 convicted offender while being taken to the reception and diagnostic center; and all persons  
31 convicted and sentenced to imprisonment in the department of corrections at any term or sitting  
32 of the court, shall be taken to the reception and diagnostic center at the same time, unless  
33 prevented by sickness or unavoidable accident. In cities having a population of two hundred  
34 thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic  
35 center as often as the sheriff deems necessary. When three or more convicted offenders are being  
36 taken to the reception and diagnostic center at one time, a guard may be employed, as provided  
37 in section 57.290, RSMo, but no guard shall be employed for a less number of convicted  
38 offenders except upon the order, entered of record, of the judge of the court in which the  
39 conviction was had, and any additional guards employed by order of the judge shall, in no event,  
40 exceed one for every three convicted offenders; and before any claim for taking convicted  
41 offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying  
42 such convicted offender, shall file with the state commissioner of administration an itemized  
43 statement of such sheriff's account, in which the sheriff shall give the name of each convicted  
44 offender conveyed and the name of each guard actually employed, with the number of miles  
45 necessarily traveled and the number of days required, which in no case shall exceed three days,  
46 and which account shall be signed and sworn to by such officer and accompanied by a certificate  
47 from the chief administrative officer or such officer's designee of the reception and diagnostic  
48 center, that such convicted offenders have been delivered at the reception and diagnostic center  
49 and were accompanied by each of the officers and guards named in the account.

50 5. The sheriff or other officer who shall take a person, charged with a criminal offense,  
51 from the county in which the offender is apprehended to that in which the offense was  
52 committed, or who may remove a prisoner from one county to another for any cause authorized

53 by law, or who shall have in custody or under such sheriff's or officer's charge any person  
54 undergoing an examination preparatory to such person's commitment more than one day for  
55 transporting, safekeeping and maintaining any such person, shall be allowed by the court having  
56 cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290,  
57 RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's  
58 charge, when the number of days shall exceed one, and the mileage rate prescribed by section  
59 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to  
60 another, and the guard employed, who shall in no event exceed the number allowed the sheriff,  
61 marshal or other officer in transporting convicted offenders to the reception and diagnostic  
62 center, shall be allowed, as provided in section 57.290, RSMo, the same compensation as the  
63 officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board  
64 and all other expenses of each prisoner. No compensation shall be allowed under this section  
65 for taking the prisoner or prisoners from one place to another in the same county, excepting in  
66 counties which have two or more courts with general criminal jurisdiction. In such counties the  
67 sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are  
68 allowed for conveying prisoners in like cases from one county to another, and the expenses  
69 incurred in transporting prisoners from one county to another, occasioned by the insufficiency  
70 of the county jail or threatened mob violence, shall be paid by the county in which such case may  
71 have originated; provided that the court is held at a place more than five miles from the jail; and  
72 no court shall allow the expense of a guard, although it may have actually been incurred, unless  
73 from the evidence of disinterested persons it shall be satisfied that a guard was necessary;  
74 provided, that when the place of conviction is remote from a railroad, upon which a convicted  
75 offender may be transported to the reception and diagnostic center, the court before which such  
76 convicted offender is sentenced may, for good cause shown, allow one guard for every two  
77 convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by  
78 section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the  
79 nearest depot on such railroad to the place where such convicted offender was sentenced.

80       6.] **3.** The charges provided in subsection 1 of this section shall be taxed as other costs  
81 in criminal [procedure] **proceedings** immediately after conviction of any defendant in any  
82 criminal procedure. The clerk shall tax all the costs in the case against such defendant, which  
83 shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no  
84 such charge shall be collected in any proceeding in any court when the proceeding or the  
85 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing  
86 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses  
87 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri  
88 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for

89 attachments for witnesses shall be paid by such witnesses.

90 [7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all  
91 services rendered pursuant to **this** section [57.290, RSMo,] at the rate prescribed by the Internal  
92 Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

494.410. 1. The board of jury commissioners shall compile and maintain a list of  
2 potential jurors and their addresses, and shall update such list periodically in a manner to be  
3 determined by the board. [In compiling this list, to be known as the master jury list, the board  
4 of jury commissioners shall consult one or more public records.] The master jury list shall be  
5 comprised of not less than five percent of the total population of the county or city not within a  
6 county as determined from the last decennial census. In no event shall the master jury list  
7 contain less than four hundred names. In compiling the master jury list the board of jury  
8 commissioners shall take reasonable measures to avoid duplication of names. [The master jury  
9 list shall be the result of random selection of names from public records.]

10 2. **Beginning July 1, 2004, the master jury list shall be the result of random selection**  
11 **of names from a minimum of two government records including, but not limited to,**  
12 **personal property tax list, voter's registration list, and driver's license records. The**  
13 **information furnished by the department of revenue shall not be disclosed except as**  
14 **allowed pursuant to federal law.**

15 3. Whoever has custody, possession, or control of any record used in compiling the  
16 master jury list shall make the record available to the board of jury commissioners for inspection,  
17 reproduction and copying at all reasonable times.

18 [3.] 4. The **names on the** master jury list shall be considered a public record. The master  
19 jury list and copies of all records used in compiling the list shall be retained by the board of jury  
20 commissioners for at least five years after compilation of the list.

506.060. 1. In computing any period of time prescribed or allowed by this code, by order  
2 of court, or by any applicable statute, the day of the act, event, or default after which the  
3 designated period of time begins to run is not to be included. The last day of the period so  
4 computed is to be included, unless it is a **Saturday**, Sunday, or a legal holiday, in which event  
5 the period runs until the end of the next day which is neither a **Saturday**, Sunday, nor a legal  
6 holiday. When the period of time prescribed or allowed is less than seven days, intermediate  
7 **Saturdays**, Sundays, and legal holidays shall be excluded in the computation. [A half holiday  
8 shall be considered as other days and not as a legal holiday.]

9 2. When by this code or by a notice given thereunder or by order of the court an act is  
10 required or allowed to be done at or within a specified time, the court for cause shown may, at  
11 any time in its discretion:

12 (1) With or without motion or notice, order the period enlarged if application therefor

13 is made before the expiration of the period originally prescribed or as extended by a previous  
14 order; or

15 (2) Upon motion permit the act to be done after the expiration of the specified period  
16 where the failure to act was the result of excusable neglect; but it may not enlarge the period for  
17 filing a motion for or granting a new trial, or for commencing an action or taking an appeal as  
18 provided by this code.

19 3. The period of time provided for the doing of any act or the taking of any proceeding  
20 is not affected or limited by the expiration of a term of court. The expiration of a term of court  
21 in no way affects the power of a court to do any act or take any proceeding in any civil action  
22 which it is otherwise by law authorized to take and which is pending before it.

23 4. A written motion, other than one which may be heard ex parte, and notice of the  
24 hearing thereof shall be served not later than five days before the time specified for the hearing,  
25 unless a different period is fixed by law or court rule or by order of the court. Such an order may  
26 for cause shown be made on ex parte application. When a motion is supported by an affidavit,  
27 the affidavit shall be served with the motion; and, except as otherwise provided by law in  
28 connection with motion for new trial, opposing affidavits may be served not later than one day  
29 before the hearing, unless the court permits them to be served at some other time.

510.120. In all civil cases **or administrative proceedings** or in criminal cases pending  
2 in [any court of] this state at any time when the general assembly is in **regular session, veto**  
3 **session, special session, or holding out-of-session committee hearings**, it shall be a sufficient  
4 cause for a continuance if it shall appear to the court, by affidavit, that any party applying for  
5 such continuance, or any attorney, solicitor or counsel of such party is a member of either house  
6 of the general assembly, and in actual attendance on the **out-of-session committee hearings,**  
7 **regular session, special session, or veto session**, of the same, and that the attendance of such  
8 party, attorney, solicitor or counsel is necessary to a fair and proper trial or other proceeding in  
9 such suit; and on the filing of such affidavit the court shall continue such suit and any and all  
10 motions or other proceedings therein, of every kind and nature, including the taking of  
11 depositions **and discovery responses**, and thereupon no trial or other proceedings of any kind  
12 or nature shall be had therein until the adjournment or recess for twenty days or more of the  
13 **regular session, special session, or veto session of the** general assembly, nor for ten days  
14 [thereafter] **before or after, or the day of any out-of-session committee hearings**. Such  
15 affidavit shall be sufficient, if made at any time during the **out-of-session committee hearings,**  
16 **regular session, special session, or veto session** of the general assembly, showing that at the  
17 time of making the same such party, attorney, solicitor or counsel is in actual attendance upon  
18 such **out-of-session committee hearings, regular session, special session, or veto session of**  
19 the general assembly.

511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any **division of the** circuit court [and any probate division of the circuit court], except judgments and decrees [rendered by associate,] **entered by** small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are [rendered] **entered**, situate in the county for which or in which the court is held. **Judgments entered by the associate division of the circuit court which are entitled to a trial de novo pursuant to section 512.180, RSMo, shall be a lien upon final judgment if an application is not filed or, alternatively, upon final judgment of the trial de novo if an application is filed.**

2. [Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151, RSMo.

3.] Judgments and decrees [rendered] **entered** by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

**3. Notwithstanding any other provision of law, no judgments or decrees entered by any court of competent jurisdiction may be amended or modified by any administrative agency.**

511.510. It shall be the duty of [each of the circuit] **the** clerks of **any division of the circuit court to**, within five days after the rendition of any final judgment in their respective [courts, to] **division** enter an abstract of such judgment in the record as required in section 511.500; and [each circuit] **the** clerk shall immediately enter the same when the abstract aforesaid shall be furnished to such clerk by any party interested, or such party's agent; and each of the clerks and their sureties shall be respectively liable for any damage occasioned by any neglect to perform the duties hereby required of them respectively; and it is further provided, that whenever any personal representative, guardian or conservator, or any party interested, or such party's agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment may be recorded a receipt or certificate of the proper officer, stating that such judgment has been duly satisfied, then the circuit clerk shall, without further fee, enter satisfaction of such judgment in such clerk's office in the record as required in section 511.500.

512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases where the [petition]

5 **pleading** claims damages not to exceed three thousand dollars.

6       2. In all other contested civil cases tried with or without a jury before an associate circuit  
7 judge or on assignment under such procedures applicable before circuit judges or in any  
8 misdemeanor case or county ordinance violation case a record shall be kept, and any person  
9 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the  
10 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of  
11 the supreme court, the record may be a stenographic record or one made by the utilization of  
12 electronic, magnetic, or mechanical sound or video recording devices.

536.077. In any contested case before an agency created by the constitution or state  
2 statute, such agency shall upon request of any party issue subpoenas and shall in a proper case  
3 issue subpoenas duces tecum. Subpoenas other than subpoenas duces tecum shall on request of  
4 any party be issued with the caption and number of the case, the name of the witness, and the  
5 date for appearance in blank, but such caption, number, name and date shall be filled in by such  
6 party before service. Subpoenas shall extend to all parts of the state, and shall be served and  
7 returned as in civil actions in the circuit court. The witness shall be entitled to the same fees and,  
8 if compelled to travel more than forty miles from his place of residence, shall be entitled to the  
9 same tender of fees for travel and attendance, and at the same time, as is now or may hereafter  
10 be provided for witnesses in civil actions in the circuit court, such fees to be paid by the party  
11 or agency subpoenaing him, except where the payment of such fees is otherwise provided for by  
12 law. The agency **or the party at whose request the subpoena is issued** shall enforce subpoenas  
13 by applying to a judge of the circuit court of the county of the hearing or of any county where the  
14 witness resides or may be found, for an order upon any witness who shall fail to obey a subpoena  
15 to show cause why such subpoena should not be enforced, which said order and a copy of the  
16 application therefor shall be served upon the witness in the same manner as a summons in a civil  
17 action, and if the said circuit court shall, after a hearing, determine that the subpoena should be  
18 sustained and enforced, said court shall proceed to enforce said subpoena in the same manner  
19 as though said subpoena had been issued in a civil case in the circuit court. **The court shall**  
20 **permit the agency and any party to intervene in the enforcement action.** Any such agency  
21 may delegate to any member, officer, or employee thereof the power to issue subpoenas in  
22 contested cases; provided that, except where otherwise authorized by law, subpoenas duces  
23 tecum shall be issued only by order of the agency or a member thereof.

540.021. 1. Upon order of the presiding judge of the circuit court, or a judge designated  
2 by the presiding judge, names **of prospective grand jurors** shall be randomly selected from the  
3 [special grand] **master** jury list in the manner determined by the board of jury commissioners.  
4 A summons for grand jury service and a juror qualification form shall be mailed or personally  
5 served to those persons selected in the form and as required by section 494.415, RSMo, for petit

6 jurors.

7       2. If it is determined from an examination of the juror qualification form that a person  
8 is not qualified to serve as a grand juror, that person shall be notified in a manner directed by the  
9 board of jury commissioners, and shall not be required to comply with the summons for grand  
10 jury service. The names of disqualified persons shall be deleted from the grand jury list.

11       3. Those prospective grand jurors not disqualified from grand jury service shall  
12 constitute the grand jury list. If later determined to be ineligible or disqualified, their names shall  
13 be deleted from the [grand] **master** jury list.

14       4. Those persons summoned for grand jury service shall be placed under the control and  
15 supervision of the presiding judge of the circuit court, or a judge designated by the presiding  
16 judge, who shall select twelve persons to serve as grand jurors. Alternate grand jurors as  
17 determined by the judge shall also be selected, to serve as a grand juror upon the death,  
18 disqualification, or inability of one of the persons selected as a regular grand juror. The names  
19 of those persons selected as grand jurors and alternate grand jurors shall be deleted from the  
20 grand jury list.

21       5. The presiding judge of the circuit court, or a judge designated by the presiding judge,  
22 shall have the authority to convene, recess, and adjourn a grand jury as, in his discretion, he  
23 deems necessary, and at times and places as he specifies. No grand jury shall be required to  
24 serve for longer than a six-month period, except such term may be extended for a period not to  
25 exceed sixty days, solely for the purpose of considering and completing matters already before  
26 the grand jury. No new matters shall be presented to the grand jury during its extended service.  
27 Nothing contained in this section prevents the convening of another grand jury during such  
28 extended service.

29       6. Compensation shall be allowed grand jurors in the same amount as is provided by law  
30 for petit jurors pursuant to section 494.455, RSMo.

2               [67.133. 1. A fee of ten dollars shall be assessed in all cases in which the  
3 defendant is convicted of a nonfelony violation of any provision of chapters 252, 301,  
4 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, and  
5 twenty-five dollars in all misdemeanor cases otherwise provided by law, and  
6 seventy-five dollars in all felony cases, in criminal cases including violations of any  
7 county ordinance or any violation of a criminal or traffic law of the state, except that  
8 no such fees shall be collected in any proceeding in any court when the proceeding  
9 or the defendant has been dismissed by the court or when costs are to be paid by the  
10 state, county or municipality. All fees collected under the provisions of this section  
11 shall be collected and disbursed in the manner provided by sections 488.010 to  
12 488.020, RSMo, and payable to the county treasurer who shall deposit those funds  
13 in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five

14 percent of all sums collected on recognizances given to the state in criminal cases,  
15 which are or may become forfeited, if not more than five hundred dollars, and fifteen  
16 percent of all sums over five hundred dollars, to be paid out of the amount collected.]

[517.141. On demand of any person interested therein, whether by  
2 assignment or otherwise, every clerk or officer who shall be in possession of the  
3 record of judgment shall give to such person a certified transcript of such judgment.  
4 Upon production of any such transcript, the clerk of the circuit court of the county in  
5 which the judgment was rendered shall record the same in his permanent record of  
6 circuit court judgments, and note therein the date and hour of its filing.]

[517.151. From the time of filing the transcript, every such judgment shall  
2 have the same lien on the real estate of the defendant in the county as is given  
3 judgments rendered by circuit judges. The circuit clerk shall collect fees in such  
4 amounts as are determined pursuant to sections 488.010 to 488.020, RSMo, for each  
5 transcript filed. The revival of any such lien upon real estate shall be under the same  
6 procedures as with judgments originally rendered by a circuit judge, shall be made  
7 from the record of the transcribed judgment so filed in the office of circuit clerk, and  
8 may be revived under proceedings before either a circuit or an associate circuit judge.  
9 The foregoing provisions shall not apply with respect to any judgment of a small  
10 claims court nor shall any judgment of a small claims court be a lien upon real  
11 estate.]

[540.011. 1. Upon order of the presiding judge of the circuit court, the board  
2 of jury commissioners created pursuant to section 494.405, RSMo, shall compile a  
3 list of prospective grand jurors containing at least six hundred names or fifteen  
4 percent of the number of names comprising the master jury list, whichever is less.  
5 The names shall be selected at random from the master jury list, compiled pursuant  
6 to section 494.410, RSMo, in a method specified by the board of jury commissioners.  
7 The list so compiled shall be known as the grand jury list.

2. All names placed on the grand jury list shall be deleted from the master  
9 jury list. The board of jury commissioners may remove names from the grand jury  
10 list if a person is not qualified or eligible to serve as a grand juror or may add names  
11 to the grand jury list as necessary, as provided for in subsection 1 of this section.]