

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 613
92ND GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 15, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

1781S.06C

AN ACT

To repeal sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 517.141, 517.151, 536.077, 540.011, 540.021, and 577.051, RSMo, and to enact in lieu thereof thirty-five new sections relating to court procedures, with penalty provisions.

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

Section A. Sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 517.141, 517.151, 536.077, 540.011, 540.021, and 577.051, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 43.530, 50.640, 57.290, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 477.650, 488.031, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 536.077, 540.021, and 577.051, 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

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

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

50.640. 1. Except as otherwise provided in this section, all offices, departments,
2 courts, institutions, commissions or other agencies spending moneys of the county shall
3 perform the duties and observe the restrictions set forth in sections 50.540 to 50.630
4 relating to budget procedure and appropriations. The estimates of the circuit court,
5 including all activities thereof and of the circuit clerk, shall be transmitted to the budget
6 officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of
7 the circuit court. The budget officer or the county commission shall not change the
8 estimates of the circuit court or of the circuit clerk without the consent of the circuit
9 court or the circuit clerk, respectively, but shall appropriate in the appropriation order
10 the amounts estimated as originally submitted or as changed, with their consent.

11 2. If the county governing body deems the estimates of the circuit court to be
12 unreasonable, the governing body may file a petition for review with the judicial finance
13 commission on a form provided by the judicial finance commission after the estimates
14 are included in the county budget. An amount equal to the difference between the
15 estimates of the circuit court and the amounts deemed appropriate by the governing body
16 shall be placed in a separate escrow account, and shall not be appropriated and
17 expended until a final determination is made by the judicial finance commission under
18 this subsection. The form provided by the judicial finance commission shall include an
19 opportunity for the governing body and the circuit court to state their positions in a
20 summary fashion. If a petition for review is filed, the circuit court shall have the burden
21 of convincing the judicial finance commission that the amount estimated by it and
22 included in the budget is reasonable. In determining if the circuit court estimate is
23 reasonable, the judicial finance commission shall consider the expenditures necessary
24 to support the circuit court in relation to the expenditures necessary for the
25 administration of all other county functions, the actual or estimated operating deficit or

26 surplus from prior years, all interest and debt redemption charges, all capital projects
27 expenditures, and the total estimated available revenues from all sources available for
28 financing the proposed expenditures. In determining the reasonableness of any budget
29 estimate involving compensation, the judicial finance commission shall also consider
30 compensation for county employees with similar duties, length of service and educational
31 qualifications. The judicial finance commission shall immediately order a settlement
32 conference to determine if the matter can be resolved before ordering briefs and oral
33 argument. The judicial finance commission, to the maximum extent practicable, shall
34 resolve the dispute prior to the beginning of the fiscal year in question, **however, if the**
35 **dispute is submitted within ninety days of the end of the fiscal year, the**
36 **commission shall resolve the dispute within ninety days of the beginning of**
37 **the subsequent fiscal year.** The county governing body may file and prosecute a
38 petition for review without representation by counsel.

57.290. 1. [Sheriffs, county marshals or other officers shall be allowed a charge
2 for their services rendered in criminal cases and in all proceedings for contempt or
3 attachment, as required by law, the sum of seventy-five dollars for each felony case or
4 contempt or attachment proceeding, ten dollars for each misdemeanor case, and six
5 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
7 collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be
8 payable to the county treasury.

9 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall
10 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars
11 for each pleading, writ, summons, order of court or other document served in connection
12 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 subsection 1
14 of this section.

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

19 [4.] 2. For the services of taking convicted offenders to the reception and
20 diagnostic center designated by the director of the department of corrections, the sheriff,
21 county marshal or other officers shall receive the sum of eight dollars per day for the
22 time actually and necessarily employed in traveling to and from the reception and
23 diagnostic center, and each guard shall receive the sum of six dollars per day for the

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

51 **[5.] 3.** The sheriff or other officer who shall take a person, charged with a
52 criminal offense, from the county in which the offender is apprehended to that in which
53 the offense was committed, or who may remove a prisoner from one county to another
54 for any cause authorized by law, or who shall have in custody or under such sheriff's or
55 officer's charge any person undergoing an examination preparatory to such person's
56 commitment more than one day for transporting, safekeeping and maintaining any such
57 person, shall be allowed by the court having cognizance of the offense, three dollars and
58 fifty cents per day for every day such sheriff or officer may have such person under such
59 sheriff's or officer's charge, when the number of days shall exceed one, and the mileage

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

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

94 7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for
95 all services rendered pursuant to this section at the rate prescribed by the Internal

96 Revenue Service for allowable expenses for motor vehicle use expressed as an amount
97 per mile.

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

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

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

29 4. The local office of the division shall cause an investigation or family
30 assessment and services approach to be initiated immediately or no later than within
31 twenty-four hours of receipt of the report from the division, except in cases where the
32 sole basis for the report is educational neglect. If the report indicates that educational
33 neglect is the only complaint and there is no suspicion of other neglect or abuse, the
34 investigation shall be initiated within seventy-two hours of receipt of the report. If the

35 report indicates the child is in danger of serious physical harm or threat to life, an
36 investigation shall include direct observation of the subject child within twenty-four
37 hours of the receipt of the report. Local law enforcement shall take all necessary steps
38 to facilitate such direct observation. If the parents of the child are not the alleged
39 abusers, [the parents] **a parent** of the child must be notified prior to the child being
40 interviewed by the division. The division shall not meet with the child [in any location
41 where abuse of such child is alleged to have occurred] **at the child's school or child**
42 **care facility**. When the child is reported absent from the residence, the location and
43 the well-being of the child shall be verified.

44 5. The director of the division shall name at least one chief investigator for each
45 local division office, who shall direct the division response on any case involving a second
46 or subsequent incident regarding the same subject child or perpetrator. The duties of
47 a chief investigator shall include verification of direct observation of the subject child by
48 the division and shall ensure information regarding the status of an investigation is
49 provided to the public school district liaison. The public school district liaison shall
50 develop protocol in conjunction with the chief investigator to ensure information
51 regarding an investigation is shared with appropriate school personnel. The
52 superintendent of each school district shall designate a specific person or persons to act
53 as the public school district liaison. Should the subject child attend a nonpublic school
54 the chief investigator shall notify the school principal of the investigation. Upon
55 notification of an investigation, all information received by the public school district
56 liaison or the school shall be subject to the provisions of the federal Family Educational
57 Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R.,
58 Part 99.

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

65 7. When a report has been made by a person required to report under section
66 210.115, the division shall contact the person who made such report within forty-eight
67 hours of the receipt of the report in order to ensure that full information has been
68 received and to obtain any additional information or medical records, or both, that may
69 be pertinent.

70 8. Upon completion of the investigation, if the division suspects that the report

71 was made maliciously or for the purpose of harassment, the division shall refer the
72 report and any evidence of malice or harassment to the local prosecuting or circuit
73 attorney.

74 9. Multidisciplinary teams shall be used whenever conducting the investigation
75 as determined by the division in conjunction with local law
76 enforcement. Multidisciplinary teams shall be used in providing protective or preventive
77 social services, including the services of law enforcement, a liaison of the local public
78 school, the juvenile officer, the juvenile court, and other agencies, both public and
79 private.

80 10. If the appropriate local division personnel determine after an investigation
81 has begun that completing an investigation is not appropriate, the division shall conduct
82 a family assessment and services approach. The division shall provide written
83 notification to local law enforcement prior to terminating any investigative process. The
84 reason for the termination of the investigative process shall be documented in the record
85 of the division and the written notification submitted to local law enforcement. Such
86 notification shall not preclude nor prevent any investigation by law enforcement.

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

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

91 (2) Provide services which are voluntary and time-limited unless it is determined
92 by the division based on the assessment of risk that there will be a high risk of abuse
93 or neglect if the family refuses to accept the services. The division shall identify services
94 for families where it is determined that the child is at high risk of future abuse or
95 neglect. The division shall thoroughly document in the record its attempt to provide
96 voluntary services and the reasons these services are important to reduce the risk of
97 future abuse or neglect to the child. If the family continues to refuse voluntary services
98 or the child needs to be protected, the division may commence an investigation;

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

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

107 12. Within thirty days of an oral report of abuse or neglect, the local office shall
108 update the information in the information system. The information system shall contain,
109 at a minimum, the determination made by the division as a result of the investigation,
110 identifying information on the subjects of the report, those responsible for the care of the
111 subject child and other relevant dispositional information. The division shall complete
112 all investigations within thirty days, unless good cause for the failure to complete the
113 investigation is documented in the information system. If the investigation is not
114 completed within thirty days, the information system shall be updated at regular
115 intervals and upon the completion of the investigation. The information in the
116 information system shall be updated to reflect any subsequent findings, including any
117 changes to the findings based on an administrative or judicial hearing on the matter.

118 13. A person required to report under section 210.115 to the division shall be
119 informed by the division of his right to obtain information concerning the disposition of
120 his or her report. Such person shall receive, from the local office, if requested,
121 information on the general disposition of his or her report. A person required to report
122 to the division pursuant to section 210.115 may receive, if requested, findings and
123 information concerning the case. Such release of information shall be at the discretion
124 of the director based upon a review of the mandated reporter's ability to assist in
125 protecting the child or the potential harm to the child or other children within the
126 family. The local office shall respond to the request within forty-five days. The findings
127 shall be made available to the mandated reporter within five days of the outcome of the
128 investigation.

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

134 15. In any judicial proceeding involving the custody of a child where the court
135 determines that the child is in need of services pursuant to subdivision (d) of subsection
136 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or
137 custodian shall not be entered into the registry.

138 16. The division of family services is hereby granted the authority to promulgate
139 rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter
140 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

141 17. Any rule or portion of a rule, as that term is defined in section 536.010,
142 RSMo, that is created under the authority delegated in this section shall become effective

143 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
144 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
145 nonseverable and if any of the powers vested with the general assembly pursuant to
146 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a
147 rule are subsequently held unconstitutional, then the grant of rulemaking authority and
148 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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

454.505. 1. In addition to any other remedy provided by law for the enforcement
2 of support, if a support order has been entered, the director shall issue an order directing
3 any employer or other payor of the parent to withhold and pay over to the division, the
4 payment center pursuant to section 454.530 or the clerk of the circuit court in the county
5 in which a trusteeship is or will be established, money due or to become due the
6 obligated parent in an amount not to exceed federal wage garnishment limitations. For
7 administrative child support orders issued pursuant to sections other than section
8 454.476, the director shall not issue an order to withhold and pay over in any case in
9 which:

10 (1) One of the parties demonstrates, and the director finds, that there is good
11 cause not to require immediate income withholding. For purposes of this subdivision,
12 any finding that there is good cause not to require immediate withholding shall be based
13 on, at least, a written determination and an explanation by the director that
14 implementing immediate wage withholding would not be in the best interests of the child
15 and proof of timely payments of previously ordered support in cases involving the
16 modification of support orders; or

17 (2) A written agreement is reached between the parties that provides for an
18 alternative payment arrangement.

19 If the income of an obligor is not withheld as of the effective date of the support order,
20 pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income
21 shall become subject to withholding pursuant to this section, without further exception,
22 on the date on which the obligor becomes delinquent in maintenance or child support
23 payments in an amount equal to one month's total support obligation.

24 2. An order entered pursuant to this section shall recite the amount required to
25 be paid as continuing support, the amount to be paid monthly for arrearages and the

26 Social Security number of the obligor if available. In addition, the order shall contain
27 a provision that the obligor shall notify the division of child support enforcement
28 regarding the availability of medical insurance coverage through an employer or a group
29 plan, provide the name of the insurance provider when coverage is available, and inform
30 the division of any change in access to such insurance coverage. A copy of section
31 454.460 and this section shall be appended to the order. [A copy of such order shall be
32 filed with the circuit court in the county or city not within a county in which the
33 judgment of dissolution or paternity was entered, or if no such judgment was entered,
34 in the county or city not within a county where either parent or the child resides or
35 where the order or judgment is filed or registered.]

36 3. An order entered pursuant to this section shall be served on the employer or
37 other payor by certified mail, return receipt requested or may be issued through
38 electronic means, and shall be binding on the employer or other payor two weeks after
39 mailing or electronic issuance of such service. A copy of the order and a notice of
40 property exempt from withholding shall be mailed to the obligor at the obligor's last
41 known address. The notice shall advise the obligor that the withholding has commenced
42 and the procedures to contest such withholding pursuant to section 454.475 on the
43 grounds that such withholding or the amount withheld is improper due to a mistake of
44 fact by requesting a hearing thirty days from mailing the notice. At such a hearing the
45 certified copy of the court order and the sworn or certified statement of arrearages shall
46 constitute prima facie evidence that the director's order is valid and enforceable. If a
47 prima facie case is established, the obligor may only assert mistake of fact as a
48 defense. For purposes of this section, "mistake of fact" means an error in the amount of
49 the withholding or an error as to the identity of the obligor. The obligor shall have the
50 burden of proof on such issues. The obligor may not obtain relief from the withholding
51 by paying the overdue support. The employer or other payor shall withhold from the
52 earnings or other income of each obligor the amount specified in the order, and may
53 deduct an additional sum not to exceed six dollars per month as reimbursement for costs,
54 except that the total amount withheld shall not exceed the limitations contained in the
55 federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor
56 shall transmit the payments as directed in the order within seven business days of the
57 date the earnings, money due or other income was payable to the obligor. For purposes
58 of this section, "business day" means a day that state offices are open for regular
59 business. The employer or other payor shall, along with the amounts transmitted,
60 provide the date the amount was withheld from each obligor. If the order does not
61 contain the Social Security number of the obligor, the employer or other payor shall not

62 be liable for withholding from the incorrect obligor.

63 4. If the order is served on a payor other than an employer, it shall be a lien
64 against any money due or to become due the obligated parent which is in the possession
65 of the payor on the date of service or which may come into the possession of the payor
66 after service until further order of the director, except for any deposits held in two or
67 more names in a financial institution.

68 5. The division shall notify an employer or other payor upon whom such an order
69 has been directed whenever all arrearages have been paid in full, and whenever, for any
70 other reason, the amount required to be withheld and paid over to the payment center
71 pursuant to the order as to future pay periods is to be reduced or redirected. If the
72 parent's support obligation is required to be paid monthly and the parent's pay periods
73 are at more frequent intervals, the employer or other payor may, at the request of the
74 obligee or the director, withhold and pay over to the payment center, an equal amount
75 at each pay period cumulatively sufficient to comply with the withholding order.

76 6. An order issued pursuant to subsection 1 of this section shall be a continuing
77 order and shall remain in effect and be binding upon any employer or other payor upon
78 whom it is directed until a further order of the director. Such orders shall terminate
79 when all children for whom the support order applies are emancipated or deceased, or
80 the support obligation otherwise ends, and all arrearages are paid. No order to withhold
81 shall be terminated solely because the obligor has fully paid arrearages.

82 7. An order issued pursuant to subsection 1 of this section shall have priority
83 over any other legal process pursuant to state law against the same wages, except that
84 where the other legal process is an order issued pursuant to this section or section
85 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding
86 limitations. If concurrently running wage withholding processes for the collection of
87 support obligations would cause the amounts withheld from the wages of the obligor to
88 exceed applicable wage withholding limitations and includes a wage withholding from
89 another state pursuant to section 454.932, the employer shall first satisfy current
90 support obligations by dividing the amount available to be withheld among the orders
91 on a pro rata basis using the percentages derived from the relationship each current
92 support order amount has to the sum of all current child support
93 obligations. Thereafter, arrearages shall be satisfied using the same pro rata
94 distribution procedure used for distributing current support, up to the applicable
95 limitation. If concurrently running wage withholding processes for the collection of
96 support obligations would cause the amounts withheld from the wages of the obligor to
97 exceed applicable wage withholding limitations and does not include a wage withholding

98 from another state pursuant to section 454.932, the employer shall withhold and pay to
99 the payment center an amount equal to the wage withholding limitations. The payment
100 center shall first satisfy current support obligations by dividing the amount available to
101 be withheld among the orders on a pro rata basis using the percentages derived from the
102 relationship each current support order amount has to the sum of all current child
103 support obligations. Thereafter, arrearages shall be satisfied using the same pro rata
104 distribution procedure used for distributing current support, up to the applicable
105 limitation.

106 8. No employer or other payor who complies with an order entered pursuant to
107 this section shall be liable to the parent, or to any other person claiming rights derived
108 from the parent, for wrongful withholding. An employer or other payor who fails or
109 refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable
110 to the party holding the support rights in an amount equal to the amount which became
111 due the parent during the relevant period and which, pursuant to the order, should have
112 been withheld and paid over. The director is hereby authorized to bring an action in
113 circuit court to determine the liability of an employer or other payor for failure to
114 withhold or pay the amounts as ordered. If a court finds that a violation has occurred,
115 the court may fine the employer in an amount not to exceed five hundred dollars. The
116 court may also enter a judgment against the employer for the amounts to be withheld
117 or paid, court costs and reasonable attorney's fees.

118 9. The remedy provided by this section shall be available where the state or any
119 of its political subdivisions is the employer or other payor of the obligated parent in the
120 same manner and to the same extent as where the employer or other payor is a private
121 party.

122 10. An employer shall not discharge, or refuse to hire or otherwise discipline an
123 employee as a result of an order to withhold and pay over certain money authorized by
124 this section. If any such employee is discharged within thirty days of the date upon
125 which an order to withhold and pay over certain money is to take effect, there shall arise
126 a rebuttable presumption that such discharge was a result of such order. This
127 presumption shall be overcome only by clear, cogent and convincing evidence produced
128 by the employer that the employee was not terminated because of the order to withhold
129 and pay over certain money. The director is hereby authorized to bring an action in
130 circuit court to determine whether the discharge constitutes a violation of this
131 subsection. If the court finds that a violation has occurred, the court may enter an order
132 against the employer requiring reinstatement of the employee and may fine the employer
133 in an amount not to exceed one hundred fifty dollars. Further, the court may enter

134 judgment against the employer for the back wages, costs, attorney's fees, and for the
135 amount of child support which should have been withheld and paid over during the
136 period of time the employee was wrongfully discharged.

137 11. If an obligor for whom an order to withhold has been issued pursuant to
138 subsection 1 of this section terminates the obligor's employment, the employer shall,
139 within ten days of the termination, notify the division of the termination, shall provide
140 to the division the last known address of the obligor, if known to the employer, and shall
141 provide to the division the name and address of the obligor's new employer, if
142 known. When the division determines the identity of the obligor's new employer, the
143 director shall issue an order to the new employer as provided in subsection 1 of this
144 section.

145 12. If an employer or other payor is withholding amounts for more than one order
146 issued pursuant to subsection 1 of this section, the employer or other payor may transmit
147 all such withholdings which are to be remitted to the same circuit clerk, other collection
148 unit or to the payment center after October 1, 1999, as one payment together with a
149 separate list identifying obligors for whom a withholding has been made and the amount
150 withheld from each obligor so listed, and the withholding date or dates for each obligor.

151 13. For purposes of this section, "income" means any periodic form of payment
152 due to an individual, regardless of source, including wages, salaries, commissions,
153 bonuses, workers' compensation benefits, disability benefits, payments pursuant to a
154 pension or a retirement program, and interest.

155 14. The employer shall withhold funds as directed in the notice, except if an
156 employer receives an income withholding order issued by another state, the employer
157 shall apply the income withholding law of the state of the obligor's principal place of
158 employment in determining:

- 159 (1) The employer's fee for processing an income withholding order;
160 (2) The maximum amount permitted to be withheld from the obligor's income;
161 (3) The time periods within which the employer shall implement the income
162 withholding order and forward the child support payments;
163 (4) The priorities for withholding and allocating income withheld for multiple
164 child support obligees; and
165 (5) Any withholding terms and conditions not specified in the order.

166 15. If the secretary of the Department of Health and Human Services
167 promulgates a final standard format for an employer income withholding notice, the
168 director shall use such notice prescribed by the secretary.

455.027. No filing fees, court costs, or bond shall be assessed **to the petitioner**

2 in an action commenced pursuant to sections 455.010 to 455.085.

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

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

11 3. A petitioner seeking a protection order shall not be required to reveal any
12 current address or place of residence except to the court in camera for the purpose of
13 determining jurisdiction and venue. The petitioner may be required to provide a mailing
14 address unless the petitioner alleges that he or she would be endangered by such
15 disclosure, or that other family or household members would be endangered by such
16 disclosure. **Effective January 1, 2004, a petitioner shall not be required to**
17 **provide his or her Social Security number on any petition or document filed**
18 **in connection with a protection order; except that, the court may require that**
19 **a petitioner's Social Security number be retained on a confidential case sheet**
20 **or other confidential record maintained in conjunction with the**
21 **administration of the case.**

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

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

13 and shall provide forms for petitions and written instructions on filling out all forms and
14 pleadings necessary for the presentation of the petition to the court.

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

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

455.516. 1. Not later than fifteen days after the filing of a petition under
2 sections 455.500 to 455.538, a hearing shall be held unless the court deems, for good
3 cause shown, that a continuance should be granted. At the hearing, which may be an
4 open or a closed hearing at the discretion of the court, whichever is in the best interest
5 of the child, if the petitioner has proved the allegation of abuse of a child by a
6 preponderance of the evidence, the court may issue a full order of protection for a
7 definite period of time, not to exceed one hundred eighty days. The court may allow as
8 evidence any in camera videotape made of the testimony of the child pursuant to section
9 491.699, RSMo. The provisions of section 491.075, RSMo, relating to admissibility of
10 statements of a child under the age of twelve shall apply to any hearing under the
11 provisions of sections 455.500 to 455.538. Upon motion by either party, the guardian ad
12 litem or the court-appointed special advocate, and after a hearing by the court, the full
13 order of protection may be renewed for a period not to exceed one hundred eighty days
14 from the expiration date of the originally issued full order of protection. If for good cause
15 a hearing cannot be held on the motion to renew the full order of protection prior to the
16 expiration date of the originally issued full order of protection, an ex parte order of
17 protection may be issued until a hearing is held on the motion. Upon motion by either
18 party, the guardian ad litem or the court appointed special advocate, and after a hearing
19 by the court, the second full order of protection may be renewed for an additional period
20 not to exceed one hundred eighty days from the expiration date of the second full order
21 of protection. If for good cause a hearing cannot be held on the motion to renew the
22 second full order of protection prior to the expiration date of the second order, an ex
23 parte order of protection may be issued until a hearing is held on the motion. The total
24 time period for the consecutive orders of protection based upon the original petition shall
25 not exceed eighteen months. For purposes of this subsection, a finding by the court of
26 a subsequent act of abuse is not required for a renewal order of protection.

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

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

54 4. A copy of the petition and notice of the date set for the hearing on
55 such petition and any order of protection granted pursuant to sections
56 455.500 to 455.538 shall be issued to the juvenile office in the jurisdiction
57 where the petitioner resides. A notice of expiration or of termination of any
58 order of protection shall be issued to such juvenile office.

476.055. 1. There is hereby established in the state treasury the "Statewide
2 Court Automation Fund". All moneys collected pursuant to section [476.053] **488.027,**
3 **RSMo,** as well as gifts, contributions, devises, bequests, and grants received relating to
4 automation of judicial record keeping, and moneys received by the judicial system for the

5 dissemination of information and sales of publications developed relating to automation
6 of judicial record keeping, shall be credited to the fund. Moneys credited to this fund
7 may only be used for the purposes set forth in this section and as appropriated by the
8 general assembly. Any unexpended balance remaining in the statewide court automation
9 fund at the end of each biennium shall not be subject to the provisions of section 33.080,
10 RSMo, requiring the transfer of such unexpended balance to general revenue; except
11 that, any unexpended balance remaining in the fund on September 1, [2004] **2005**, shall
12 be transferred to general revenue.

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

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

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

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

41 subsection unless such judicial circuit or county has the approval of the court automation
42 committee prior to incurring the specific cost.

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

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

- 53 (1) The chair of the house budget committee;
54 (2) The chair of the senate appropriations committee;
55 (3) The chair of the house judiciary committee;
56 (4) The chair of the senate judiciary committee;
57 (5) One member of the minority party of the house appointed by the speaker of
58 the house of representatives; and
59 (6) One member of the minority party of the senate appointed by the president
60 pro tempore of the senate.

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

64 9. Section [476.053] **488.027, RSMo**, shall expire on September 1, [2004]
65 **2005**. The court automation committee established pursuant to this section may
66 continue to function until completion of its duties prescribed by this section, but shall
67 complete its duties prior to September 1, [2007] **2011**.

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

476.058. 1. As used in this section, the term "court personnel" includes all
2 personnel of all state courts and all divisions of the courts, including juvenile, family and
3 municipal divisions, and clerks, deputy clerks, division clerks, official court reporters,
4 law clerks and court administrators, but not including judges.

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

9 deposited into the fund.

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

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

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

 476.340. 1. The governing body of the conference, between annual sessions, shall
2 be 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
7 thereof, respectively;

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

15 (5) One judge of the probate division of circuit courts in counties having a
16 population of more than thirty thousand inhabitants elected for a three-year term by the
17 judges of the probate divisions of the circuit courts in such counties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57 (1) The fine and court costs established pursuant to this section for the violation

58 or information regarding how the person may obtain the amount of the fine and court
59 costs for the violation;

60 (2) That the person must respond to the notice of violation by paying the
61 prescribed fine and court costs, or pleading not guilty and appearing at trial, and that
62 other legal penalties prescribed by law may attach for failure to appear and dispose of
63 the violation. The supreme court may modify the suggested forms for uniform complaint
64 and summons for use in courts adopting the procedures provided by this section, in order
65 to accommodate such required written notifications.

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

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

89 9. In addition to the remedies provided by subsection 8 of this section, the
90 centralized bureau and the courts may use the remedies provided by sections 488.010 to
91 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines
92 and court costs for violations subject to this section.

477.600. 1. There is hereby created within the judicial department a "Judicial

2 Finance Commission". The commission shall be composed of seven members appointed
3 by the supreme court. At least one member of the commission shall be a member of a
4 county governing body from a county of the third class, one member of the commission
5 shall be a member of the county governing body of a county of the first class , and one
6 member of the commission shall be a member of a county governing body from any class
7 of county. The supreme court shall designate one member to serve as chairman and one
8 member as vice chairman. The vice chairman shall preside in the absence of the
9 chairman.

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

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

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

19 5. The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

477.650. 1. There is hereby created in the state treasury the "Basic
2 Civil Legal Services Fund", to be administered by, or under the direction of,

3 the Missouri supreme court. All moneys collected pursuant to section 488.031,
4 RSMo, shall be credited to the fund. In addition to the court filing
5 surcharges, funds from other public or private sources also may be deposited
6 into the fund and all earnings of the fund shall be credited to the fund. The
7 purpose of this section is to increase the funding available for basic civil legal
8 services to eligible low-income persons as such persons are defined by the
9 Federal Legal Services' Corporation Income Eligibility Guidelines.

10 2. Funds in the basic civil legal services fund shall be allocated
11 annually and expended to provide legal representation to eligible low-income
12 persons in the state in civil matters. Moneys, funds, or payments paid to the
13 credit of the basic civil legal services fund shall, at least as often as annually,
14 be distributed to the legal services organizations in this state which qualify
15 for federal legal services corporation funding. The funds so distributed shall
16 be used by legal services organizations in this state solely to provide legal
17 services to eligible low-income persons as such persons are defined by the
18 Federal Legal Services' Corporation Income Eligibility Guidelines. Fund
19 money shall be subject to all restrictions imposed on such legal services
20 organizations by law. Funds shall be allocated to the programs according to
21 the funding formula employed by the legal services corporation for the
22 distribution of funds to this state. Notwithstanding the provisions of section
23 33.080, RSMo, any balance remaining in the basic civil legal services fund at
24 the end of any year shall not be transferred to the state's general revenue
25 fund. Moneys in the basic civil legal services fund shall not be used to pay
26 any portion of a refund mandated by article X, section 15 of the Missouri
27 Constitution.

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

34 4. Each recipient of funds from the basic civil legal services fund shall
35 maintain appropriate records accounting for the receipt and expenditure of
36 all funds distributed and received pursuant to this section. These records
37 must be maintained for a period of five years from the close of the fiscal year
38 in which such funds are distributed or received or until audited, whichever
39 is sooner. All funds distributed or received pursuant to this section are

40 **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 collect the following fees on the filing of any civil or criminal action or proceeding, including an appeal, except that no fee shall be imposed pursuant to this section on any case that is filed charging traffic violations except alcohol-related offenses:

Supreme court and courts of appeals	\$20.00;
Circuit courts	\$10.00;
Associate circuit courts	\$10.00; and
Small claims courts	No additional fee

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

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

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

488.032. 1. Witnesses shall, pursuant to section 491.280, RSMo, be allowed fees for their services [subject to guidelines to be promulgated by the supreme court].

3 **2. Each witness may be examined on oath by the court or by the clerk when the court shall so order as to factors relevant to the proper amount of payment pursuant to this section.**

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are 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
7 changed by the circuit court. The circuit court in any circuit, except the circuit court in
8 Jackson County may change the fee to any amount not to exceed fifteen dollars. The
9 circuit court in Jackson County may change the fee to any amount not to exceed twenty
10 dollars. A change in the fee shall become effective and remain in effect until further
11 changed [beginning on January first if the office of state courts administrator is notified
12 of the proposed change not later than the preceding September first].

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

 488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the
2 judges of the circuit court, en banc, of the county from which such surcharges were
3 collected, or to such person as is designated by local circuit court rule as treasurer of
4 said fund, and said fund shall be applied and expended under the direction and order
5 of the judges of the circuit court, en banc, of any such county for the maintenance and
6 upkeep of the law library maintained by the bar association in any such county, or such
7 other law library in any such county as may be designated by the judges of the circuit
8 court, en banc, of any such county; provided, that the judges of the circuit court, en banc,
9 of any such county, and the officers of all courts of record of any such county, shall be
10 entitled at all reasonable times to use the library to the support of which said funds are
11 applied.

12 2. In any county of the first classification without a charter form of government
13 and with a population of at least two hundred thousand, such fund may also be applied
14 and expended for that county's or circuit's family services and justice fund.

15 **3. In any county of the third classification without a township form of**
16 **government and with more than forty thousand eight hundred but less than**
17 **forty thousand nine hundred inhabitants or in any county of the third**
18 **classification without a township form of government and with more than**
19 **thirteen thousand five hundred but less than thirteen thousand six hundred**
20 **inhabitants, such fund may also be applied and expended for courtroom**
21 **renovation and technology enhancement in those counties.**

 488.2300. 1. A "Family Services and Justice Fund" is hereby established in each
2 county or circuit with a family court, for the purpose of aiding with the operation of the
3 family court divisions and services provided by those divisions. In circuits or counties
4 having a family court, the circuit clerk shall charge and collect a surcharge of thirty
5 dollars in all proceedings falling within the jurisdiction of the family court. The
6 surcharge shall not be charged when no court costs are otherwise required, shall not be

7 charged **against the petitioner** for actions filed pursuant to the provisions of chapter
8 455, RSMo, **but may be charged to the respondent in such actions**, shall not be
9 charged to a government agency and shall not be charged in any proceeding when costs
10 are waived or are to be paid by the state, county or municipality.

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

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

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

33 5. From the funds collected pursuant to this section and retained in the family
34 services and justice fund, each circuit or county in which a family court commissioner
35 in addition to those commissioners existing as juvenile court commissioners on August
36 28, 1993, have been appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay
37 to and reimburse the state for the actual costs of that portion of the salaries of family
38 court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040,
39 RSMo.

40 6. No moneys deposited in the family services and justice fund may be expended
41 for 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
3 chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise
4 provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law,
5 and seventy-five dollars in all felony cases, in criminal cases including violations of any
6 county ordinance or any violation of a criminal or traffic law of the state, except that no
7 such fees shall be collected in any proceeding in any court when the proceeding or the
8 defendant has been dismissed by the court or when costs are to be paid by the state,
9 county or municipality. All fees collected under the provisions of **this** section [67.133,
10 RSMo,] shall be collected and disbursed in the manner provided by sections 488.010 to
11 488.020 and payable to the county treasurer who shall deposit those funds in the county
12 treasury.

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

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

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

15 [3. As provided in section 57.290, RSMo, in cities and counties having a
16 population of three hundred thousand inhabitants and over, each deputy sheriff, but not
17 more than two deputy sheriffs, shall be allowed six dollars for each day during the term
18 of court, to be paid by the city or county having a population of three hundred thousand
19 inhabitants or over.

20 4. For the services of taking convicted offenders to the reception and diagnostic

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

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

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

87 6.] **3.** The charges provided in subsection 1 of this section shall be taxed as other
88 costs in criminal [procedure] **proceedings** immediately after conviction of any
89 defendant in any criminal procedure. The clerk shall tax all the costs in the case against
90 such defendant, which shall be collected and disbursed as provided by sections 488.010
91 to 488.020; provided, that no such charge shall be collected in any proceeding in any
92 court when the proceeding or the defendant has been dismissed by the court; provided

93 further, that all costs, incident to the issuing and serving of writs of scire facias and of
94 writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be
95 paid by the state, but such costs incurred under writs of fieri facias and scire facias shall
96 be paid by the defendant and such defendant's sureties, and costs for attachments for
97 witnesses shall be paid by such witnesses.

98 [7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for
99 all services rendered pursuant to **this** section [57.290, RSMo,] at the rate prescribed by
100 the Internal Revenue Service for allowable expenses for motor vehicle use expressed as
101 an amount per mile.

488.5339. 1. There is created in section 595.045, RSMo, the crime victims'
2 compensation fund. A surcharge of [five] **seven dollars and fifty cents** shall be
3 assessed pursuant to section 595.045, RSMo, as costs in each court proceeding filed in
4 any court in the state in all criminal cases including violations of any county ordinance
5 or any violation of criminal or traffic laws of the state, including an infraction and
6 violation of a municipal ordinance; except that no such fee shall be collected in any
7 proceeding in any court when the proceeding or the defendant has been dismissed by the
8 court or when costs are to be paid by the state, county or municipality. A surcharge of
9 [five] **seven dollars and fifty cents** shall be assessed pursuant to section 595.045,
10 RSMo, as costs in a juvenile court proceeding in which a child is found by the court to
11 come within the applicable provisions of subdivision (3) of subsection 1 of section
12 211.031, RSMo.

13 2. Notwithstanding any other provision of law to the contrary, the moneys
14 collected by clerks of the courts pursuant to the provisions of subsection 1 of this section
15 shall be collected and disbursed in accordance with sections 488.010 to 488.020.

491.280. 1. Witnesses shall be allowed fees for their services [subject to
2 guidelines to be promulgated by the supreme court] **in the amount of twenty-five**
3 **dollars per day plus a mileage allowance determined as provided in section**
4 **33.095, RSMo.**

5 2. Each witness may be examined on oath by the court or by the clerk when the
6 court shall so order, as to factors relevant to the proper amount of payment pursuant to
7 this section.

494.410. 1. The board of jury commissioners shall compile and maintain a list
2 of potential jurors and their addresses, and shall update such list periodically in a
3 manner to be determined by the board. [In compiling this list, to be known as the
4 master jury list, the board of jury commissioners shall consult one or more public
5 records.] The master jury list shall be comprised of not less than five percent of the total

6 population of the county or city not within a county as determined from the last
7 decennial census. In no event shall the master jury list contain less than four hundred
8 names. In compiling the master jury list the board of jury commissioners shall take
9 reasonable measures to avoid duplication of names. [The master jury list shall be the
10 result of random selection of names from public records.]

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

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

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

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

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

13 (1) With or without motion or notice, order the period enlarged if application
14 therefor is made before the expiration of the period originally prescribed or as extended
15 by a previous order; or

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

19 taking an appeal as provided by this code.

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

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

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

 511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court,

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

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

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

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

511.510. It shall be the duty of [each of the circuit] **the clerks of any division**
2 **of the circuit court to**, within five days after the rendition of any final judgment in
3 their respective [courts, to] **division** enter an abstract of such judgment in the record
4 as required in section 511.500; and [each circuit] **the** clerk shall immediately enter the
5 same when the abstract aforesaid shall be furnished to such clerk by any party
6 interested, or such party's agent; and each of the clerks and their sureties shall be
7 respectively liable for any damage occasioned by any neglect to perform the duties
8 hereby required of them respectively; and it is further provided, that whenever any
9 personal representative, guardian or conservator, or any party interested, or such party's
10 agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment
11 may be recorded a receipt or certificate of the proper officer, stating that such judgment
12 has been duly satisfied, then the circuit clerk shall, without further fee, enter
13 satisfaction of such judgment in such clerk's office in the record as required in section
14 511.500.

512.180. 1. Any person aggrieved by a judgment in a civil case tried without a
2 jury before an associate circuit judge, other than an associate circuit judge sitting in the

3 probate division or who has been assigned to hear the case on the record under
4 procedures applicable before circuit judges, shall have the right of a trial de novo in all
5 cases where the [petition] **pleading** claims damages not to exceed three thousand
6 dollars.

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

513.475. 1. The homestead of every person, consisting of a dwelling house and
2 appurtenances, and the land used in connection therewith, not exceeding the value of
3 [eight] **fifteen** thousand dollars, which is or shall be used by such person as a
4 homestead, shall, together with the rents, issues and products thereof, be exempt from
5 attachment and execution. The exemption allowed under this section shall not be
6 allowed for more than one owner of any homestead if one owner claims the entire amount
7 allowed under this subsection; but, if more than one owner of any homestead claims an
8 exemption under this section, the exemption allowed to each of such owners shall not
9 exceed, in the aggregate, the total exemption allowed under this subsection as to any one
10 homestead.

11 2. Either spouse separately shall be debarred from and incapable of selling,
12 mortgaging or alienating the homestead in any manner whatever, and every such sale,
13 mortgage or alienation is hereby declared null and void; provided, however, that nothing
14 herein contained shall be so construed as to prevent the husband and wife from jointly
15 conveying, mortgaging, alienating or in any other manner disposing of such homestead,
16 or any part thereof.

536.077. In any contested case before an agency created by the constitution or
2 state statute, such agency shall upon request of any party issue subpoenas and shall in
3 a proper case issue subpoenas duces tecum. Subpoenas other than subpoenas duces
4 tecum shall on request of any party be issued with the caption and number of the case,
5 the name of the witness, and the date for appearance in blank, but such caption, number,
6 name and date shall be filled in by such party before service. Subpoenas shall extend
7 to all parts of the state, and shall be served and returned as in civil actions in the circuit
8 court. The witness shall be entitled to the same fees and, if compelled to travel more

9 than forty miles from his place of residence, shall be entitled to the same tender of fees
10 for travel and attendance, and at the same time, as is now or may hereafter be provided
11 for witnesses in civil actions in the circuit court, such fees to be paid by the party or
12 agency subpoenaing him, except where the payment of such fees is otherwise provided
13 for by law. The agency **or the party at whose request the subpoena is issued** shall
14 enforce subpoenas by applying to a judge of the circuit court of the county of the hearing
15 or of any county where the witness resides or may be found, for an order upon any
16 witness who shall fail to obey a subpoena to show cause why such subpoena should not
17 be enforced, which said order and a copy of the application therefor shall be served upon
18 the witness in the same manner as a summons in a civil action, and if the said circuit
19 court shall, after a hearing, determine that the subpoena should be sustained and
20 enforced, said court shall proceed to enforce said subpoena in the same manner as
21 though said subpoena had been issued in a civil case in the circuit court. **The court**
22 **shall permit the agency and any party to intervene in the enforcement**
23 **action.** Any such agency may delegate to any member, officer, or employee thereof the
24 power to issue subpoenas in contested cases; provided that, except where otherwise
25 authorized by law, subpoenas duces tecum shall be issued only by order of the agency
26 or a member thereof.

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

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

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

15 4. Those persons summoned for grand jury service shall be placed under the
16 control and supervision of the presiding judge of the circuit court, or a judge designated
17 by the presiding judge, who shall select twelve persons to serve as grand
18 jurors. Alternate grand jurors as determined by the judge shall also be selected, to serve

19 as a grand juror upon the death, disqualification, or inability of one of the persons
20 selected as a regular grand juror. The names of those persons selected as grand jurors
21 and alternate grand jurors shall be deleted from the grand jury list.

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

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

577.051. 1. A record of the [final] disposition in any court proceeding involving
2 a violation of any of the provisions of sections 577.005 to 577.023, or violation of county
3 or municipal ordinances involving alcohol- or drug-related driving offenses[, pleas of
4 guilty, findings of guilty, suspended imposition of sentence, suspended execution of
5 sentence, probation, conditional sentences and sentences of confinement] shall be
6 forwarded to the Missouri state highway patrol, or at the written direction of the
7 Missouri state highway patrol, to the department of revenue, within fifteen days by the
8 clerk of the court in which the proceeding was held and shall be entered by the highway
9 patrol or department of revenue in the Missouri uniform law enforcement system
10 records. **Dispositions that shall be reported are pleas of guilty, findings of**
11 **guilty, suspended imposition of sentence, suspended execution of sentence,**
12 **probation, conditional sentences, sentences of confinement, and any other**
13 **such dispositions that may be required under state or federal**
14 **regulations.** The record forwarded by the clerk shall clearly show the court, the court
15 case number, the name, address, and motor vehicle operator's or chauffeur's license
16 number of the person who is the subject of the proceeding, the code or number
17 identifying the particular arrest, and any court action or requirements pertaining
18 thereto.

19 2. All records received by the Missouri state highway patrol or the department
20 of revenue under the provisions of this section shall be entered in the Missouri uniform
21 law enforcement system records and maintained by the Missouri state highway
22 patrol. Records placed in the Missouri uniform law enforcement system under the
23 provisions of this section shall be made available to any law enforcement officer in this

24 state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or
25 state court upon request.

26 3. Any person required by this section to furnish records to the Missouri state
27 highway patrol or department of revenue who willfully refuses to furnish such records
28 shall be guilty of a class C misdemeanor.

29 4. Records required to be filed with the Missouri state highway patrol or the
30 department of revenue under the provisions of sections 302.225, RSMo, and 577.001 to
31 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of records
32 shall be applied prior to July 1, 1983.

33 5. Forms and procedures for filing of records with the Missouri state highway
34 patrol or department of revenue as required in this chapter shall be promulgated by the
35 director of the department of public safety or department of revenue, as applicable, and
36 approved by the Missouri supreme court.

37 6. All record-keeping procedures required under the provisions of sections
38 577.005 to 577.023 shall be in accordance with this section, chapter 610, RSMo, to the
39 contrary notwithstanding.

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

14 2. Counties shall be entitled to a judgment in the amount of
15 twenty-five percent of all sums collected on recognizances given to the
16 state in criminal cases, which are or may become forfeited, if not more
17 than five hundred dollars, and fifteen percent of all sums over five
18 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

3 of the record of judgment shall give to such person a certified transcript
4 of such judgment. Upon production of any such transcript, the clerk of the
5 circuit court of the county in which the judgment was rendered shall
6 record the same in his permanent record of circuit court judgments, and
7 note therein the date and hour of its filing.]

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

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

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