

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 2224

AN ACT

To repeal sections 57.280, 488.435, 590.050, and 650.350, RSMo, and to enact in lieu thereof five new sections relating to the training and compensation of law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 57.280, 488.435, 590.050, and 650.350, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 57.278, 57.280, 488.435, 590.050, and 650.350, to read as follows:

57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary Supplementation Fund", which shall consist of money collected from charges for service received by county sheriffs under subsection 4 of section 57.280. The money in the fund shall be used solely to supplement the salaries, and employee benefits resulting from such salary increases, of county deputy sheriffs. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The Missouri sheriff methamphetamine relief taskforce created under section 650.350,

1 RSMo, shall administer the fund.

2 2. Notwithstanding the provisions of section 33.080, RSMo,
3 to the contrary, any moneys remaining in the fund at the end of
4 the biennium shall not revert to the credit of the general
5 revenue fund. The state treasurer shall invest moneys in the
6 fund in the same manner as other funds are invested. Any
7 interest and moneys earned on such investments shall be credited
8 to the fund.

9 57.280. 1. Sheriffs shall receive a charge for service of
10 any summons, writ or other order of court, in connection with any
11 civil case, and making on the same either a return indicating
12 service, a non est return or a nulla bona return, the sum of
13 twenty dollars for each item to be served, except that a sheriff
14 shall receive a charge for service of any subpoena, and making a
15 return on the same, the sum of ten dollars; however, no such
16 charge shall be collected in any proceeding when court costs are
17 to be paid by the state, county or municipality. In addition to
18 such charge, the sheriff shall be entitled to receive for each
19 mile actually traveled in serving any summons, writ, subpoena or
20 other order of court, the rate prescribed by the Internal Revenue
21 Service for all allowable expenses for motor vehicle use
22 expressed as an amount per mile, provided that such mileage shall
23 not be charged for more than one subpoena or summons or other
24 writ served in the same cause on the same trip. All of such
25 charges shall be received by the sheriff who is requested to
26 perform the service. Except as otherwise provided by law, all
27 charges made pursuant to this section shall be collected by the
28 court clerk as court costs and are payable prior to the time the

1 service is rendered; provided that if the amount of such charge
2 cannot be readily determined, then the sheriff shall receive a
3 deposit based upon the likely amount of such charge, and the
4 balance of such charge shall be payable immediately upon
5 ascertainment of the proper amount of said charge. A sheriff may
6 refuse to perform any service in any action or proceeding, other
7 than when court costs are waived as provided by law, until the
8 charge provided by this section is paid. Failure to receive the
9 charge shall not affect the validity of the service.

10 2. The sheriff shall receive for receiving and paying
11 moneys on execution or other process, where lands or goods have
12 been levied and advertised and sold, five percent on five hundred
13 dollars and four percent on all sums above five hundred dollars,
14 and half of these sums, when the money is paid to the sheriff
15 without a levy, or where the lands or goods levied on shall not
16 be sold and the money is paid to the sheriff or person entitled
17 thereto, his agent or attorney. The party at whose application
18 any writ, execution, subpoena or other process has issued from
19 the court shall pay the sheriff's costs for the removal,
20 transportation, storage, safekeeping and support of any property
21 to be seized pursuant to legal process before such seizure. The
22 sheriff shall be allowed for each mile, going and returning from
23 the courthouse of the county in which he resides to the place
24 where the court is held, the rate prescribed by the Internal
25 Revenue Service for all allowable expenses for motor vehicle use
26 expressed as an amount per mile. The provisions of this
27 subsection shall not apply to garnishment proceeds.

28 3. The sheriff upon the receipt of the charge herein

1 provided for shall pay into the treasury of the county any and
2 all charges received pursuant to the provisions of this section;
3 however, in any county, any funds, not to exceed fifty thousand
4 dollars in any calendar year, other than as a result of regular
5 budget allocations or land sale proceeds, coming into the
6 possession of the sheriff's office, such as from the sale of
7 recovered evidence, shall be held in a fund established by the
8 county treasurer, which may be expended at the discretion of the
9 sheriff for the furtherance of the sheriff's set duties. Any
10 such funds in excess of fifty thousand dollars, other than
11 regular budget allocations or land sale proceeds, shall be placed
12 to the credit of the general revenue fund of the county. Moneys
13 in the fund shall be used only for the procurement of services
14 and equipment to support the operation of the sheriff's office.
15 Moneys in the fund established pursuant to this subsection shall
16 not lapse to the county general revenue fund at the end of any
17 county budget or fiscal year.

18 4. Notwithstanding the provisions of subsection 3 of this
19 section to the contrary, the sheriff shall receive ten dollars
20 for service of any summons, writ, subpoena, or other order of the
21 court included under subsection 1 of this section, in addition to
22 the charge for such service that each sheriff receives under
23 subsection 1 of this section. The money received by the sheriff
24 under this subsection shall be paid into the county treasury and
25 the county treasurer shall make such money payable to the state
26 treasurer. The state treasurer shall deposit such moneys in the
27 deputy sheriff salary supplementation fund created under section
28 57.278.

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, RSMo, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, RSMo, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280, RSMo; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, RSMo, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280, RSMo, shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to

1 perform any service in any action or proceeding, other than when
2 court costs are waived as provided by law, until the charge
3 provided by this section is paid. Failure to receive the charge
4 shall not affect the validity of the service.

5 2. The sheriff shall, as provided in section 57.280, RSMo,
6 receive for receiving and paying moneys on execution or other
7 process, where lands or goods have been levied and advertised and
8 sold, five percent on five hundred dollars and four percent on
9 all sums above five hundred dollars, and half of these sums, when
10 the money is paid to the sheriff without a levy, or where the
11 lands or goods levied on shall not be sold and the money is paid
12 to the sheriff or person entitled thereto, his or her agent or
13 attorney. The party at whose application any writ, execution,
14 subpoena or other process has issued from the court shall pay the
15 sheriff's costs, as provided in section 57.280, RSMo, for the
16 removal, transportation, storage, safekeeping and support of any
17 property to be seized pursuant to legal process before such
18 seizure. The sheriff shall be allowed for each mile, as provided
19 in section 57.280, RSMo, going and returning from the courthouse
20 of the county in which he or she resides to the place where the
21 court is held, the rate prescribed by the Internal Revenue
22 Service for all allowable expenses for motor vehicle use
23 expressed as an amount per mile. The provisions of this
24 subsection shall not apply to garnishment proceeds.

25 3. As provided in subsection 4 of section 57.280, RSMo, the
26 sheriff shall receive ten dollars for service of any summons,
27 writ, subpoena, or other order of the court included under
28 subsection 1 of such section, in addition to the charge for such

1 service that each sheriff receives under subsection 1 of such
2 section. The money received by the sheriff under subsection 4 of
3 section 57.280, RSMo, shall be paid into the county treasury and
4 the county treasurer shall make such money payable to the state
5 treasurer. The state treasurer shall deposit such moneys in the
6 deputy sheriff salary supplementation fund created under section
7 57.278, RSMo.

8 590.050. 1. The POST commission shall establish
9 requirements for the continuing education of all peace officers.
10 Peace officers who make traffic stops shall be required to
11 receive [annual training] three hours of training within the law
12 enforcement continuing education three-year reporting period
13 concerning the prohibition against racial profiling and such
14 training shall promote understanding and respect for racial and
15 cultural differences and the use of effective, noncombative
16 methods for carrying out law enforcement duties in a racially and
17 culturally diverse environment.

18 2. The director shall license continuing education
19 providers and may probate, suspend and revoke such licenses upon
20 written notice stating the reasons for such action. Any person
21 aggrieved by a decision of the director pursuant to this
22 subsection may appeal as provided in chapter 536, RSMo.

23 3. The costs of continuing law enforcement education shall
24 be reimbursed in part by moneys from the peace officer standards
25 and training commission fund created in section 590.178, subject
26 to availability of funds, except that no such funds shall be used
27 for the training of any person not actively commissioned or
28 employed by a county or municipal law enforcement agency.

1 4. The director may engage in any activity intended to
2 further the professionalism of peace officers through training
3 and education, including the provision of specialized training
4 through the department of public safety.

5 650.350. 1. There is hereby created within the department
6 of public safety the "Missouri Sheriff Methamphetamine Relief
7 Taskforce" (MoSMART). MoSMART shall be composed of five sitting
8 sheriffs. Every two years, the Missouri Sheriffs' Association
9 board of directors will submit twenty names of sitting sheriffs
10 to the governor. The governor shall appoint five members from
11 the list of twenty names, having no more than three from any one
12 political party, to serve a term of two years on MoSMART. The
13 members shall elect a chair from among their membership. Members
14 shall receive no compensation for the performance of their duties
15 pursuant to this section, but each member shall be reimbursed
16 from the MoSMART fund for actual and necessary expenses incurred
17 in carrying out duties pursuant to this section.

18 2. MoSMART shall meet no less than twice each calendar year
19 with additional meetings called by the chair upon the request of
20 at least two members. A majority of the appointed members shall
21 constitute a quorum.

22 3. A special fund is hereby created in the state treasury
23 to be [know] known as the "MoSMART Fund". The state treasurer
24 shall invest the moneys in such fund in the manner authorized by
25 law. All moneys received for MoSMART from interest, state, and
26 federal moneys shall be deposited to the credit of the fund. The
27 director of the department of public safety shall distribute at
28 least fifty percent but not more than one hundred percent of the

1 fund annually in the form of grants approved by MoSMART.

2 4. Except for money deposited into the deputy sheriff
3 salary supplementation fund created under section 57.278, RSMo,
4 all moneys appropriated to or received by MoSMART shall be
5 deposited and credited to the MoSMART fund. The department of
6 public safety shall only be reimbursed for actual and necessary
7 expenses for the administration of MoSMART, which shall be no
8 less than one percent and which shall not exceed two percent of
9 all moneys appropriated to the fund, except that the department
10 shall not receive any amount of the money deposited into the
11 deputy sheriff salary supplementation fund for administrative
12 purposes. The provisions of section 33.080, RSMo, to the
13 contrary notwithstanding, moneys in the MoSMART fund shall not
14 lapse to general revenue at the end of the biennium.

15 5. Any rule or portion of a rule, as that term is defined
16 in section 536.010, RSMo, that is created under the authority
17 delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter
19 536, RSMo, and, if applicable, section 536.028, RSMo. This
20 section and chapter 536, RSMo, are nonseverable and if any of the
21 powers vested with the general assembly pursuant to chapter 536,
22 RSMo, to review, to delay the effective date or to disapprove and
23 annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2003, shall be invalid and void.

26 6. Any county law enforcement entity or established task
27 force with a memorandum of understanding and protocol may apply
28 for grants from the MoSMART fund on an application to be

1 developed by the department of public safety with the approval of
2 MoSMART. All applications shall be evaluated by MoSMART and
3 approved or denied based upon the level of funding designated for
4 methamphetamine enforcement before 1997 and upon current need and
5 circumstances. No applicant shall receive a MoSMART grant in
6 excess of one hundred thousand dollars per year. The department
7 of public safety shall monitor all MoSMART grants.

8 7. MoSMART's anti-methamphetamine funding priorities are as
9 follows:

10 (1) Sheriffs who are participating in coordinated
11 multijurisdictional task forces and have their task forces apply
12 for funding;

13 (2) Sheriffs whose county has been designated HIDTA
14 counties, yet have received no HIDTA or narcotics assistance
15 program funding; and

16 (3) Sheriffs without HIDTA designations or task forces,
17 whose application justifies the need for MoSMART funds to
18 eliminate methamphetamine labs.

19 8. MoSMART shall administer the deputy sheriff salary
20 supplementation fund as provided under section 57.278, RSMo.

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