

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
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:

1 Section A. Sections 57.280, 488.435, 590.050, and 650.350,
2 RSMo, are repealed and five new sections enacted in lieu thereof,
3 to be known as sections 57.278, 57.280, 488.435, 590.050, and
4 650.350, to read as follows:

5 57.278. 1. There is hereby created in the state treasury
6 the "Deputy Sheriff Salary Supplementation Fund", which shall
7 consist of money collected from charges for service received by
8 county sheriffs under subsection 4 of section 57.280. The money
9 in the fund shall be used solely to supplement the salaries of
10 county deputy sheriffs, and employee benefits resulting from such
11 salary increases, including required contributions to the county
12 employees' retirement fund. The state treasurer shall be
13 custodian of the fund and may approve disbursements from the fund
14 in accordance with sections 30.170 and 30.180, RSMo. The
15 Missouri sheriff methamphetamine relief taskforce created under
16 section 650.350, RSMo, shall administer the fund.

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

8 57.280. 1. Sheriffs shall receive a charge for service of
9 any summons, writ or other order of court, in connection with any
10 civil case, and making on the same either a return indicating
11 service, a non est return or a nulla bona return, the sum of
12 twenty dollars for each item to be served, except that a sheriff
13 shall receive a charge for service of any subpoena, and making a
14 return on the same, the sum of ten dollars; however, no such
15 charge shall be collected in any proceeding when court costs are
16 to be paid by the state, county or municipality. In addition to
17 such charge, the sheriff shall be entitled to receive for each
18 mile actually traveled in serving any summons, writ, subpoena or
19 other order of court, the rate prescribed by the Internal Revenue
20 Service for all allowable expenses for motor vehicle use
21 expressed as an amount per mile, provided that such mileage shall
22 not be charged for more than one subpoena or summons or other
23 writ served in the same cause on the same trip. All of such
24 charges shall be received by the sheriff who is requested to
25 perform the service. Except as otherwise provided by law, all
26 charges made pursuant to this section shall be collected by the
27 court clerk as court costs and are payable prior to the time the
28 service is rendered; provided that if the amount of such charge

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

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

27 3. The sheriff upon the receipt of the charge herein
28 provided for shall pay into the treasury of the county any and

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

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

28 488.435. 1. Sheriffs shall receive a charge, as provided

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

1 court costs are waived as provided by law, until the charge
2 provided by this section is paid. Failure to receive the charge
3 shall not affect the validity of the service.

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

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

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

7 590.050. 1. The POST commission shall establish
8 requirements for the continuing education of all peace officers.
9 Peace officers who make traffic stops shall be required to
10 receive [annual training] three hours of training within the law
11 enforcement continuing education three-year reporting period
12 concerning the prohibition against racial profiling and such
13 training shall promote understanding and respect for racial and
14 cultural differences and the use of effective, noncombative
15 methods for carrying out law enforcement duties in a racially and
16 culturally diverse environment.

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

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

28 4. The director may engage in any activity intended to

1 further the professionalism of peace officers through training
2 and education, including the provision of specialized training
3 through the department of public safety.

4 650.350. 1. There is hereby created within the department
5 of public safety the "Missouri Sheriff Methamphetamine Relief
6 Taskforce" (MoSMART). MoSMART shall be composed of five sitting
7 sheriffs. Every two years, the Missouri Sheriffs' Association
8 board of directors will submit twenty names of sitting sheriffs
9 to the governor. The governor shall appoint five members from
10 the list of twenty names, having no more than three from any one
11 political party, to serve a term of two years on MoSMART. The
12 members shall elect a chair from among their membership. Members
13 shall receive no compensation for the performance of their duties
14 pursuant to this section, but each member shall be reimbursed
15 from the MoSMART fund for actual and necessary expenses incurred
16 in carrying out duties pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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