

SECOND REGULAR SESSION

# HOUSE BILL NO. 2171

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), KINGERY, PEARCE, FRANZ, McCLANAHAN, SWINGER, HARRIS (23), FISHER, ROBINSON, BAKER (123), WRIGHT, SATER, NANCE, DAY, FAITH, ROORDA, FUNDERBURK, WETER, DEEKEN, WILSON (119), SCHNEIDER, KELLY, PARSON, McGHEE, MUNZLINGER, SANDER, OXFORD AND NIEVES (Co-sponsors).

Read 1st time February 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4974L.01I

---

### AN ACT

To repeal sections 57.280, 488.435, and 650.350, RSMo, and to enact in lieu thereof four new sections relating to deputy sheriffs' salaries.

---

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

Section A. Sections 57.280, 488.435, and 650.350, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 57.278, 57.280, 488.435, and 650.350, to read as follows: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 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, RSMo, shall administer the fund.**

**2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same**

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

12 **manner as other funds are invested. Any interest and moneys earned on such investments**  
13 **shall be credited to the fund.**

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

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

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the  
34 treasury of the county any and all charges received pursuant to the provisions of this section;

35 however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year,  
36 other than as a result of regular budget allocations or land sale proceeds, coming into the  
37 possession of the sheriff's office, such as from the sale of recovered evidence, shall be held in  
38 a fund established by the county treasurer, which may be expended at the discretion of the sheriff  
39 for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars,  
40 other than regular budget allocations or land sale proceeds, shall be placed to the credit of the  
41 general revenue fund of the county. Moneys in the fund shall be used only for the procurement  
42 of services and equipment to support the operation of the sheriff's office. Moneys in the fund  
43 established pursuant to this subsection shall not lapse to the county general revenue fund at the  
44 end of any county budget or fiscal year.

45 **4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the**  
46 **sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order**  
47 **of the court included under subsection 1 of this section, in addition to the charge for such**  
48 **service that each sheriff receives under subsection 1 of this section. The money received**  
49 **by the sheriff under this subsection shall be paid into the county treasury and the county**  
50 **treasurer shall make such money payable to the state treasurer. The state treasurer shall**  
51 **deposit such moneys in the deputy sheriff salary supplementation fund created under**  
52 **section 57.278.**

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

19 charge. A sheriff may refuse to perform any service in any action or proceeding, other than when  
20 court costs are waived as provided by law, until the charge provided by this section is paid.  
21 Failure to receive the charge shall not affect the validity of the service.

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

36 **3. As provided in subsection 4 of section 57.280, RSMo, the sheriff shall receive ten**  
37 **dollars for service of any summons, writ, subpoena, or other order of the court included**  
38 **under subsection 1 of section 57.280, RSMo, in addition to the charge for such service that**  
39 **each sheriff receives under subsection 1 of section 57.280, RSMo. The money received by**  
40 **the sheriff under subsection 4 of section 57.280, RSMo, shall be paid into the county**  
41 **treasury and the county treasurer shall make such money payable to the state treasurer.**  
42 **The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation**  
43 **fund created under section 57.278, RSMo.**

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

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

13           3. A special fund is hereby created in the state treasury to be know as the "MoSMART  
14 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.  
15 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited  
16 to the credit of the fund. The director of the department of public safety shall distribute at least  
17 fifty percent but not more than one hundred percent of the fund annually in the form of grants  
18 approved by MoSMART.

19           4. **Except for money deposited into the deputy sheriff salary supplemental fund**  
20 **created under section 57.278, RSMo**, all moneys appropriated to or received by MoSMART  
21 shall be deposited and credited to the MoSMART fund. The department of public safety shall  
22 only be reimbursed for actual and necessary expenses for the administration of MoSMART,  
23 which shall be no less than one percent and which shall not exceed two percent of all moneys  
24 appropriated to the fund, **except that the department shall not receive any amount of the**  
25 **money deposited into the deputy sheriff salary supplemental fund for administrative**  
26 **purposes.** The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys  
27 in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

28           5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
29 is created under the authority delegated in this section shall become effective only if it complies  
30 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
31 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
32 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
33 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
34 grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be  
35 invalid and void.

36           6. Any county law enforcement entity or established task force with a memorandum of  
37 understanding and protocol may apply for grants from the MoSMART fund on an application  
38 to be developed by the department of public safety with the approval of MoSMART. All  
39 applications shall be evaluated by MoSMART and approved or denied based upon the level of  
40 funding designated for methamphetamine enforcement before 1997 and upon current need and  
41 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand  
42 dollars per year. The department of public safety shall monitor all MoSMART grants.

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

44           (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have  
45 their task forces apply for funding;

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

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

50           **8. MoSMART shall administer the deputy sheriff salary supplemental fund as**  
51 **provided under section 57.278, RSMo.**

✓