

SECOND REGULAR SESSION

HOUSE BILL NO. 2436

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURNETT (Sponsor), PRATT, VOGT, JOHNSON, FLOOK,
LIPKE, JONES (89), BRINGER, YATES, SALVA, COX AND SMITH (150) (Co-sponsors).

Read 1st time March 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5499L.01I

AN ACT

To repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to legal representation.

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

Section A. Section 514.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 514.040, to read as follows:

514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant

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.

14 to this section. This subsection shall not apply to any action for which no sum as security for
15 costs is required to be paid upon filing such suit.

16 3. Where a party is represented in a civil action by **either:**

17 **(1)** A legal aid society or a legal services or other nonprofit organization funded in whole
18 or substantial part by moneys appropriated by the general assembly of the state of Missouri,
19 which has as its primary purpose the furnishing of legal services to indigent persons, or by
20 private counsel working on behalf of or under the auspices of such society[,] ; **or**

21 **(2) A legal aid clinic approved by a law school approved by the American Bar**
22 **Association, or a nonprofit legal assistance program affiliated with such a clinic, that**
23 **utilizes the services of law students licensed to provide legal services to indigent persons**
24 **through supreme court rule 13.02, et seq.,**

25
26 all costs and expenses related to the prosecution of the suit may be waived without the necessity
27 of a motion and court approval, provided that a determination has been made by such society [or]
28 , organization, **or clinic** that such party is unable to pay the costs, fees and expenses necessary
29 to prosecute or defend the action, and that a certification that such determination has been made
30 is filed with the clerk of the court.

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