

SECOND REGULAR SESSION

HOUSE BILL NO. 2173

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARSON.

5111L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 488.012, RSMo, and to enact in lieu thereof two new sections relating to the circuit clerk's record preservation fund.

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

Section A. Section 488.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 488.012 and 488.075, to read as follows:

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

(1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

(2) Ten dollars for maintaining child support enforcement records, pursuant to section 452.345, RSMo;

(3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618, RSMo;

(4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

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.

- 17 (5) Seven dollars for the statewide court automation fund, pursuant to section 476.053,
18 RSMo;
- 19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
21 novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;
- 22 (7) Five dollars for small claims court cases where less than one hundred dollars is in
23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;
- 24 (8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;
- 25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
26 pursuant to section 483.530, RSMo;
- 27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
28 pursuant to section 483.530, RSMo;
- 29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
30 483.530, RSMo;
- 31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
32 section 483.530, RSMo;
- 33 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
34 additional summons issued in such cases, pursuant to section 483.530, RSMo;
- 35 (14) Forty-five dollars for applications for trial de novo from small claims court and
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,
37 RSMo;
- 38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
39 483.535, RSMo;
- 40 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
41 RSMo, when the value of the estate is:
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| 42 (a) Less than \$10,000 | \$75.00 |
| 43 (b) From \$10,000 to \$25,000 | 115.00 |
| 44 (c) From \$25,000 to \$50,000 | 155.00 |
| 45 (d) From \$50,000 to \$100,000 | 245.00 |
| 46 (e) From \$100,000 to \$500,000 | 305.00 |
| 47 (f) More than \$500,000 | 365.00; |
- 48 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
49 pursuant to section 483.580, RSMo;
- 50 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
51 483.580, RSMo:
- 52 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;

- 53 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
54 (c) Sixty dollars for each grant of letters for guardianship of the person and
55 conservatorship of the estate of a minor;
56 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
57 estate case remains open;
58 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
59 incapacitated persons and their estates;
60 (f) Thirty dollars for each additional twelve months an incapacitated person's case
61 remains open;
62 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
63 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
64 483.580, RSMo;
65 (20) In probate proceedings, pursuant to section 483.580, RSMo:
66 (a) Thirty-five dollars for the collection of small estates;
67 (b) Thirty-five dollars for involuntary hospitalization proceedings;
68 (c) Thirty dollars for proceedings to determine heirship;
69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
71 (f) Forty dollars for proceedings to dispense with administration;
72 (g) Twenty dollars for proceedings to dispense with conservatorship;
73 (h) Twenty-five dollars for admitting a will to probate;
74 (i) One dollar per copied page and one dollar and fifty cents per certificate;
75 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
76 485.100, RSMo;
77 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;
78 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
79 to another county, pursuant to section 491.280, RSMo;
80 (24) **Two dollars for the circuit clerk's record preservation fund under section**
81 **488.075.**

**488.075. 1. In addition to all other costs provided by law, in all civil cases filed in
2 the circuit courts of this state and in all criminal cases, including violations of any
3 municipal or county ordinance heard by an associate circuit judge, or any violation of
4 criminal traffic laws of this state, including an infraction, a fee in the amount of three
5 dollars shall be assessed as costs under subdivision (24) of subsection 3 of section 488.012;
6 except that, no such fee shall be collected in any proceeding involving a violation of an**

7 ordinance or state law when a criminal proceeding or defendant has been dismissed by the
8 court or when costs are waived or are paid by the state, county, or municipality.

9 2. Two dollars of each fee collected by the clerks of the court under this section
10 shall be retained by the circuit clerk and deposited in a circuit clerk's record preservation
11 fund to be used for record storage, microfilming, preservation, and public access of circuit
12 court records, including anything necessarily pertaining thereto. The circuit clerk's record
13 preservation fund shall be budgeted and expended by the circuit clerk and shall not be
14 used to substitute for or subsidize any allocation of general revenue for the operation of the
15 circuit clerk's office without the express consent of the circuit clerk. The circuit clerk's
16 record preservation fund may be audited by the appropriate auditing agency, and any
17 unexpended balance shall be left in the fund to accumulate from year-to-year with interest.

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