

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 245
97TH GENERAL ASSEMBLY

1182H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 57.955, 488.024, and 514.040, RSMo, and to enact in lieu thereof three new sections relating to court costs and expenses in civil cases.

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

Section A. Sections 57.955, 488.024, and 514.040, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 57.955, 488.024, and 514.040, to read as follows:

57.955. 1. There shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases, shall collect and disburse such amounts as provided by sections 488.010 to 488.020*. Such funds shall be payable to the sheriffs' retirement fund. Moneys credited to the sheriffs' retirement fund shall be used only for the purposes provided for in sections 57.949 to 57.997 and for no other purpose.

2. The board may accept gifts, donations, grants and bequests from public or private sources to the sheriffs' retirement fund.

488.024. As provided by [section 57.955] **sections 57.949 to 57.997**, there shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or

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.

4 any violation of criminal or traffic laws of this state, including infractions **and municipal**
5 **ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are
6 to be paid by the state, county or municipality or when a criminal proceeding or the defendant
7 has been dismissed by the court. For purposes of this section, the term "county ordinance" shall
8 not include any ordinance of the City of St. Louis. The clerk responsible for collecting court
9 costs in civil and criminal cases shall collect and disburse such amounts as provided by sections
10 488.010 to 488.020. Such funds shall be payable to the sheriffs' retirement fund.

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

11 2. In any civil action brought in a court of this state by any offender convicted of a crime
12 who is confined in any state prison or correctional center, the court shall not reduce the amount
13 required as security for costs upon filing such suit to an amount of less than ten dollars pursuant
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 a legal aid society or a legal services
17 or other nonprofit organization funded in whole or substantial part by moneys appropriated by
18 the general assembly of the state of Missouri, which has as its primary purpose the furnishing
19 of legal services to indigent persons, **by a law school clinic which has as its primary purpose**
20 **educating law students through furnishing legal services to indigent persons**, or by private
21 counsel working on behalf of or under the auspices of such society, all costs and expenses related
22 to the prosecution of the suit may be waived without the necessity of a motion and court
23 approval, provided that a determination has been made by such society or organization that such
24 party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action,
25 and that a certification that such determination has been made is filed with the clerk of the court.

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