

CCS HCS SB 615 -- ADMINISTRATION OF JUSTICE

The bill changes the laws regarding the administration of justice.

CIVIL FINES FOR COUNTY ORDINANCE VIOLATIONS (Section 49.272, RSMo)

Buchanan County is added to the list of counties authorized to impose, by rule, regulation, or ordinance a civil fine of up to \$1,000 for each violation of any county rule, regulation, or ordinance.

LAW ENFORCEMENT OFFICER IMMUNITY (Section 57.095)

The bill specifies that a sheriff or any other law enforcement officer must have immunity from any civil or criminal liability while conducting service of process at the direction of any court to the extent that the officer's actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

OFFICE OF STATE COURTS ADMINISTRATOR HANDBOOK (Section 452.556)

Currently, each court must mail a copy of the handbook created by the Office of State Courts Administrator to individuals involved in a dissolution of marriage proceeding where minor children are involved. The bill specifies that the court must provide a copy of the handbook.

SCHEDULE OF FINES (Sections 476.056, 476.385, and 488.014)

Currently, a committee consisting of associate circuit judges establishes and maintains a schedule of fines to be paid for the violation of specified provisions of law. The bill repeals Section 210.104, which was repealed in 2006 by Senate Bill 872, from the provisions.

The bill repeals duplicate provisions regarding the committee and the schedule of fines that were passed in Senate Bill 23 in 2013.

The bill specifies that a municipality may retain the court costs that have been overpaid to its municipal court that do not exceed \$5 for the operation of the court.

JUDGESHIP POSITIONS (Sections 478.320 - 478.740)

The bill repeals the provision requiring one additional associate circuit judge position when the Office of State Courts Administrator indicates in an annual judicial weighted workload model for three or more consecutive years the need for four or more

full-time judicial positions in any judicial circuit with a population of 100,000 or more.

Beginning in Fiscal Year 2015, there must be 20, instead of the current 19, circuit judges in the 21st Judicial Circuit, and they must sit in 20 divisions. There must be one additional associate circuit judge position in the circuit starting in Fiscal Year 2015 that must not be included in the statutory formula for authorizing additional judgeships per county.

There must be 10, instead of the current nine, associate circuit judges in the 16th Judicial Circuit. The tenth associate circuit judgeship position must not be included in the statutory formula for authorizing additional associate circuit judgeships per county.

Beginning in Fiscal Year 2015, there must be one additional associate circuit judge in the 31st Judicial Circuit, and there must continue to be the associate judge position authorized in Fiscal Year 2014. These positions must not be included in the statutory formula for authorizing additional associate circuit judgeships per county.

Beginning in Fiscal Year 2015, there must be one additional associate circuit judge position in the 11th Judicial Circuit. The judge must be elected in 2016 and the position must not be included in the statutory formula for authorizing additional associate circuit judgeships per county.

There must be two circuit judges in the 38th Judicial Circuit, and these judges must sit in divisions numbered one and two. The circuit judge in division two must be elected in 2016, and the position must not be considered vacant or filled until January 1, 2017. The judge in division one must be elected in 2018.

#### COURT RECORDS (Section 483.140)

The provisions requiring every judge to examine and superintend court records must not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without the agreement of all the parties.

#### FRANKLIN COUNTY COURT FEES (Section 488.426)

Currently, Franklin County may impose an additional court fee of \$10 on any party filing a civil case in the circuit court with the exception of cases concerning adoption and those in small claims court. The bill extends the expiration date of this provision from December 31, 2014, to December 31, 2019.

#### SURCHARGE FOR DOMESTIC VIOLENCE SHELTERS (Section 488.607)

The bill increases, from \$2 to up to \$4, the surcharge that may be collected for each criminal case in cities or counties with a domestic violence shelter.

#### 31ST JUDICIAL CIRCUIT SURCHARGE (Section 488.2206)

In addition to all court fees and costs, a surcharge of up to \$10 must be assessed as costs in each criminal proceeding filed in the 31st Judicial Circuit except in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when the costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, a surcharge must not be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, a surcharge must not be collected unless it is authorized by the municipal government where the violation occurred. The moneys collected from the surcharge must only be used to pay for the costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal judicial facility.

#### KANSAS CITY MUNICIPAL COURT COSTS (Section 488.2235)

The City of Kansas City is allowed to impose an additional court cost of up to \$5 for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge. The judge may waive the assessment of the additional cost if the judge finds the defendant to be indigent and unable to pay the costs. The city can only use the additional costs for the restoration, maintenance, and upkeep of the municipal courthouse.

These provisions will expire on August 28, 2021.

#### DISARMING A POLICE OFFICER OR A CORRECTIONAL OFFICER (Section 575.153)

The bill changes the laws regarding the crime of disarming a peace officer or a correctional officer by specifying that a person also commits the crime by intentionally removing a less-lethal weapon from a peace officer or a correctional officer including any blunt impact, chemical, or conducted energy device used in the performance of his or her official duties while the officer is acting within the scope of his or her official duties or intentionally depriving a peace officer or a correctional officer of a less-lethal weapon while the officer is acting within the scope of his or her official duties.

#### CLOSED RECORDS (Section 610.021)

Individually identifiable records submitted to the Office of the Lieutenant Governor regarding reports of waste, fraud, and abuse of public resources may be closed for the purposes of the Open Meetings and Records Law, commonly known as the Sunshine Law.

#### COURT FILINGS (Section 1)

All courts that require mandatory electronic filing must accept, file, and docket a notice of entry of appearance filed by an attorney in a criminal case if the filing does not exceed one page in length and was sent by fax or regular mail.

This provision will expire on December 31, 2016.

#### COURT COSTS (Sections 550.040 and 550.060)

The provision is repealed that requires the state to pay the costs in all capital cases and those in which imprisonment is the sole punishment for the offense if the defendant is acquitted and the costs to be paid by the county in which the indictment was found or information filed in all other trials on indictments or information if the defendant is acquitted.

The bill repeals the provision requiring the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person and prohibiting the state or county from paying the costs.

The provisions of the bill regarding judgeship positions contain an emergency clause.