

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1083
100TH GENERAL ASSEMBLY

2114H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 488.426, 543.270, and 558.006, RSMo, and to enact in lieu thereof four new sections relating to courts.

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

Section A. Sections 488.426, 543.270, and 558.006, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 476.419, 488.426, 543.270, and 558.006, to read as follows:

476.419. 1. Notwithstanding any provision of law to the contrary, a court shall not divide securities among multiple recipients in such a way that negotiable securities become nonnegotiable securities.

2. A court may divide securities into increments equal to a multiple of an allowable tradeable amount. For purposes of this section, an "allowable tradeable amount" is the minimum amount or denomination accepted by the industry, as defined in the official statement or offering document of the original security. If the provisions of this section prevent the distribution of property in the proportion that other law requires, a court may:

(1) Distribute different values of securities to different recipients and distribute other property in a way so that the total value of property each recipient receives is as close to the proper proportion as practicable;

(2) Liquidate the securities and distribute the resulting moneys among recipients;
or

(3) Take other action within its power, including a combination of subdivisions (1) and (2) of this subsection.

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.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2019.

~~543.270. [1. When any person shall be unable to pay any fine and costs assessed against him, the associate circuit judge shall have power, at the request of the defendant, to commute such fine and costs to imprisonment in the county jail, which shall be credited at the rate of ten dollars of such fine and costs for each day's imprisonment.~~

~~2.] When a fine is assessed by [an] a municipal judge, associate circuit judge, or circuit judge, it shall be within his or her discretion to provide for the payment of the fine on an installment basis under such terms and conditions as he or she may deem appropriate. In no event shall the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of any person be the subject of any condition of probation, nor shall the failure to pay such costs be the sole basis for the issuance of a warrant.~~

~~558.006. [1.] When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, [the court upon motion of the prosecuting attorney or upon its own motion may require him or her to show cause why he or she should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his or her appearance.~~

5 ~~2. Following an order to show cause under subsection 1 of this section, unless the~~
6 ~~offender shows that his or her default was not attributable to an intentional refusal to obey the~~
7 ~~sentence of the court, or not attributable to a failure on his or her part to make a good faith effort~~
8 ~~to obtain the necessary funds for payment, the court may order the defendant imprisoned for a~~
9 ~~term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony~~
10 ~~or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court~~
11 ~~may provide in its order that payment or satisfaction of the fine at any time will entitle the~~
12 ~~offender to his or her release from such imprisonment or, after entering the order, may at any~~
13 ~~time reduce the sentence for good cause shown, including payment or satisfaction of the fine.~~
14 ~~3. If it appears that the default in the payment of a fine is excusable under the standards~~
15 ~~set forth in subsection 2 of this section, the court may enter an order allowing the offender~~
16 ~~additional time for payment, reducing the amount of the fine or of each installment, or revoking~~
17 ~~the fine or the unpaid portion in whole or in part.~~
18 ~~4. When a fine is imposed on a corporation it is the duty of the person or persons~~
19 ~~authorized to make disbursement of the assets of the corporation and their superiors to pay the~~
20 ~~fine from the assets of the corporation. The failure of such persons to do so shall render them~~
21 ~~subject to imprisonment under subsections 1 and 2 of this section.~~
22 ~~5. Upon default in the payment of a] the fine or [any] installment [thereof, the fine may]~~
23 **shall** be collected by any means authorized for the **[enforcement] collection** of money judgments,
24 **or may be waived at the discretion of the sentencing judge.**

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