

HCS HB 192 -- PAYMENT OF FINES

SPONSOR: DeGroot

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

Currently, associate circuit judges have the ability to commute fines and costs against defendants who are unable to pay when the defendant requests to be imprisoned in the county jail. The fine shall be credited at the rate of \$10 for each day's imprisonment. This bill repeals that language.

The bill repeals language that allows the court, upon a motion by the prosecuting attorney or by its own motion, to require a defendant to show cause as to why he or she should not be imprisoned for failure to pay and allows the court to imprison such defendant, if no good cause is shown, for various lengths depending on whether the offense was a misdemeanor or a felony.

Instead, when a defendant fails to pay a fine or an installment, the fine or installment may be collected by any means authorized for the collection of money judgments, or it may be waived at the discretion of the judge. In no event can the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of a person be the subject of any condition of probation, and the failure to pay costs cannot be the only basis for the issuance of a warrant.

PROPOSERS: Supporters say that it is not right to throw people in jail because they could not pay their bills. We strayed from that idea and created bankruptcy court. There was a suggestion to add a delayed effective date to remove board bills all together. The Public Defender's Office cannot help individuals who are charged with municipal fines; they can only help those who are facing jail time. This bill would help the individuals who have to return to court every month until their fine is paid off and, if they don't show up, a warrant is issued.

Testifying for the bill were Representative Degroot; Americans For Prosperity; Empower Missouri; Matt Mueller, Missouri State Public Defender; Missouri Association of Prosecuting Attorneys; Callaway County Prosecutors Office; Missouri Catholic Conference; and Missouri Association of Criminal Defense Lawyers.

OPPOSERS: There was no opposition voiced to the committee.