

HCS HB 1083 -- COURTS (O'Donnell)

COMMITTEE OF ORIGIN: Standing Committee on Financial Institutions

This bill changes provisions relating to courts.

#### SECURITIES

This bill prohibits a court from dividing securities among multiple recipients in such a way that negotiable securities become nonnegotiable securities. However, a court may divide securities into increments equal to a multiple of the allowable tradeable amount or denomination accepted by the industry, as defined in the official statement or offering document of the original security.

If these provisions prevent the distribution of property as another law requires, a court may:

- (1) Distribute securities and 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 money among recipients; or
- (3) Take any other action within its power, including a combination of the options above.

#### LAW LIBRARY SURCHARGE

Currently, the circuit court in any circuit may collect a fee in civil cases not to exceed \$15, and that fee shall go toward maintenance and upkeep of the law library in the designated county. Jackson County and any circuit that reimburses the state for salaries of family court commissioners are allowed to charge a fee not to exceed \$20. The bill adds the circuit court in the city of St. Louis to the circuits that may charge a fee not to exceed \$20.

This provision is the same as HB 124 (2019).

#### PAYMENT OF FINES

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.

These provisions are the same as HB 192 (2019).