

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 558
103RD GENERAL ASSEMBLY

1459H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 57.278, 57.280, 57.952, 57.955, 57.962, 57.967, 221.105, 483.088, and 488.024, RSMo, and to enact in lieu thereof five new sections relating to the sheriffs' retirement system.

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

Section A. Sections 57.278, 57.280, 57.952, 57.955, 57.962, 57.967, 221.105, 483.088, and 488.024, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 57.278, 57.280, 57.952, 57.967, and 221.105, to read as follows:

57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary Supplementation Fund", which shall consist of money collected from charges for service received by county sheriffs under subsection 4 of section 57.280. The money in the fund shall be used solely to supplement the salaries, and employee benefits resulting from such salary increases, of county deputy sheriffs. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. The Missouri sheriff methamphetamine relief taskforce created under section 650.350 shall administer the fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. **Fifty percent of the moneys remaining at the end of the biennium shall revert to the credit of the sheriffs' retirement fund created under section 57.952.** The state treasurer shall invest **the remaining** moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

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.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when ~~court~~ costs **for service** are to be paid by the state, county, or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the ~~the court clerk as court costs~~ **sheriff's office responsible for service** and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when ~~court~~ costs **for service** are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be

38 expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any
39 such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit
40 of the general revenue fund of the county. Moneys in the fund shall be used only for the
41 procurement of services and equipment to support the operation of the sheriff's office.
42 Moneys in the fund established pursuant to this subsection shall not lapse to the county
43 general revenue fund at the end of any county budget or fiscal year.

44 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
45 sheriff shall receive ~~ten~~ **fifteen** dollars for service of any summons, writ, subpoena, or other
46 order of the court included under subsection 1 of this section, in addition to the charge for
47 such service that each sheriff receives under subsection 1 of this section. The money received
48 by the sheriff under this subsection shall be paid into the county treasury and the county
49 treasurer shall make such money payable to the state treasurer. The state treasurer shall
50 deposit **ten dollars of** such moneys in the deputy sheriff salary supplementation fund created
51 under section 57.278 **and five dollars of such moneys in the sheriffs' retirement fund**
52 **created under section 57.952.** Any other person specially appointed to serve in a county
53 shall execute and deliver to the circuit clerk, along with the confirmation of service, a signed
54 and notarized affidavit of confirmation, made under penalty of perjury, that includes the
55 amount, check number, and date of payment to evidence payment was made to the sheriff for
56 the deputy sheriff salary supplementation fund **and the sheriffs' retirement fund** as required
57 by this subsection.

58 5. Notwithstanding the provisions of subsection 3 of this section, the court clerk shall
59 collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order
60 of the court included under subsection 1 of this section if any person other than a sheriff is
61 specially appointed to serve in a county that receives funds under section 57.278. The
62 moneys received by the court clerk under this subsection shall be paid into the county treasury
63 and the county treasurer shall make such moneys payable to the state treasurer. The state
64 treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created
65 under section 57.278.

66 6. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other
67 order of the court in connection with any eviction proceeding, in addition to the charge for
68 such service that each sheriff receives under this section. All of such charges shall be
69 received by the sheriff who is requested to perform the service and shall be paid to the county
70 treasurer in a fund established by the county treasurer, which may be expended at the
71 discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be
72 payable prior to the time the service is rendered; provided that if the amount of such charge
73 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely

74 amount of such charge, and the balance of such charge shall be payable immediately upon
75 ascertainment of the proper amount of said charge.

57.952. 1. There is hereby authorized a "Sheriffs' Retirement Fund" which shall be
2 under the management of ~~[a]~~ **the board** ~~[of directors]~~ **as** described in section 57.958. The
3 board ~~[of directors]~~ shall be responsible for the administration and the investment of the funds
4 of such sheriffs' retirement fund. The general assembly and the governing body of a county
5 may appropriate funds for deposit in the sheriffs' retirement fund. If insufficient funds are
6 generated to provide the benefits payable pursuant to the provisions of sections 57.949 to
7 57.997, the board shall proportion the benefits according to the funds available.

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

10 3. Each county shall make the payroll deductions for member contributions mandated
11 under section 57.961, and the county shall transmit such moneys to the board for deposit into
12 the sheriffs' retirement fund.

57.967. 1. The normal annuity of a retired member shall equal two percent of the
2 final average compensation of the retired member multiplied by the number of years of
3 creditable service of the retired member, except that the normal annuity shall not exceed
4 seventy-five percent of the retired member's average final compensation. Such annuity shall
5 be not less than one thousand dollars per month.

6 2. The board, at its last meeting of each calendar year, shall determine the monthly
7 amount for medical insurance premiums to be paid to each retired member during the next
8 following calendar year. The monthly amount shall not exceed four hundred fifty dollars.
9 The monthly payments are at the discretion of the board on the advice of the actuary. The
10 anticipated sum of all such payments during the year plus the annual normal cost plus the
11 annual amount to amortize the unfunded actuarial accrued liability in no more than thirty
12 years shall not exceed the anticipated moneys credited to the system pursuant to ~~[sections]~~
13 **section 57.952** ~~[and 57.955]~~. The money amount granted here shall not be continued to any
14 survivor.

15 3. If a member with eight or more years of service dies before becoming eligible for
16 retirement, the member's surviving spouse, if he or she has been married to the member for at
17 least two years prior to the member's death, shall be entitled to survivor benefits under option
18 1 as set forth in section 57.979 as if the member had retired on the date of the member's death.
19 The member's monthly benefit shall be calculated as the member's accrued benefit at his or
20 her death reduced by one-fourth of one percent per month for an early commencement from
21 the member's normal retirement date: age fifty-five with twelve or more years of creditable
22 service or age sixty-two with eight years of creditable service, to the member's date of death.

23 Such benefit shall be payable on the first day of the month following the member's death and
24 shall be payable during the surviving spouse's lifetime.

221.105. 1. The governing body of any county and of any city not within a county
2 shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails
3 or medium security institutions. The per diem cost of incarceration of these prisoners
4 chargeable by the law to the state shall be determined, subject to the review and approval of
5 the department of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the
11 clerk of the circuit court on the first day of each year, and thereafter whenever the amount
12 may be changed. It shall then be the duty of the clerk of the court in which the case was
13 determined to include in the bill of cost against the state all fees which are properly
14 chargeable to the state. In any city not within a county it shall be the duty of the
15 superintendent of any facility boarding prisoners to certify to the chief executive officer of
16 such city not within a county the total number of days any prisoner who was a party in such
17 case remained in such facility. It shall be the duty of the superintendents of such facilities to
18 supply the cost per diem to the chief executive officer on the first day of each year, and
19 thereafter whenever the amount may be changed. It shall be the duty of the chief executive
20 officer to bill the state all fees for boarding such prisoners which are properly chargeable to
21 the state. The chief executive may by notification to the department of corrections delegate
22 such responsibility to another duly sworn official of such city not within a county. The clerk
23 of the court of any city not within a county shall not include such fees in the bill of costs
24 chargeable to the state. The department of corrections shall revise its criminal cost manual in
25 accordance with this provision.

26 3. Except as provided under subsection 6 of section 217.718, the actual costs
27 chargeable to the state, including those incurred for a prisoner who is incarcerated in the
28 county jail because the prisoner's parole or probation has been revoked or because the
29 prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and
30 such parole or probation is a consequence of a violation of a state statute, or the prisoner is a
31 fugitive from the Missouri department of corrections or otherwise held at the request of the
32 Missouri department of corrections regardless of whether or not a warrant has been issued
33 shall be the actual cost of incarceration not to exceed:

34 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

35 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

36 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
37 prisoner, subject to appropriations.

38 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable
39 by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable
40 expenses may include pretrial assessment and supervision strategies for defendants who are
41 ultimately eligible for state incarceration. A county may not receive more than its share of the
42 amount appropriated in the previous fiscal year, inclusive of expenses proposed by the
43 presiding judge. Any county shall convey such proposal to the department, and any such
44 proposal presented by a presiding judge shall include the documented agreement with the
45 proposal by the county governing body, prosecuting attorney, at least one associate circuit
46 judge, and the officer of the county responsible for custody or incarceration of prisoners of
47 the county represented in the proposal. Any county that declines to convey a proposal to the
48 department, pursuant to the provisions of this subsection, shall receive its per diem cost of
49 incarceration for all prisoners chargeable to the state in accordance with the provisions of
50 subsections 1, 2, and 3 of this section.

51 **5. Notwithstanding any other provisions of law to the contrary, any county**
52 **receiving reimbursement under this section shall make payable two dollars per prisoner**
53 **per day of such reimbursement to the state treasurer, who shall deposit such funds in the**
54 **sheriffs' retirement fund created under section 57.952.**

2 ~~[57.955. 1. There shall be assessed and collected a surcharge of three~~
3 ~~dollars in all civil actions filed in the courts of this state and in all criminal~~
4 ~~cases including violation of any county ordinance or any violation of criminal~~
5 ~~or traffic laws of this state, including infractions, but no such surcharge shall~~
6 ~~be assessed when the costs are waived or are to be paid by the state, county or~~
7 ~~municipality or when a criminal proceeding or the defendant has been~~
8 ~~dismissed by the court. For purposes of this section, the term "county~~
9 ~~ordinance" shall not include any ordinance of the city of St. Louis. The clerk~~
10 ~~responsible for collecting court costs in civil and criminal cases, shall collect~~
11 ~~and disburse such amounts as provided by sections 488.010 to 488.020. Such~~
12 ~~funds shall be payable to the sheriffs' retirement fund. Moneys credited to the~~
13 ~~sheriffs' retirement fund shall be used only for the purposes provided for in~~
14 ~~sections 57.949 to 57.997 and for no other purpose.~~

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

2 ~~[57.962. Other provisions of law to the contrary notwithstanding, any~~
3 ~~county or city not within a county who has elected or elects in the future to~~
4 ~~come under the provisions of sections 57.949 to 57.997 shall, after August 28,~~
5 ~~2002, or on the date that such election is approved by the board of directors of~~
6 ~~the retirement system, whichever later occurs, be subject to the provisions of~~
~~section 57.955.]~~

2 ~~[483.088. Each circuit clerk shall prepare a summary of all amounts~~
3 ~~collected pursuant to section 57.955 during the preceeding calendar year and~~
4 ~~shall annually, by July first of the succeeding year, send a copy of such~~
 ~~summary to the state auditor.]~~

2 ~~[488.024. As provided by section 57.955, there shall be assessed and~~
3 ~~collected a surcharge of three dollars in all civil actions filed in the courts of~~
4 ~~this state and in all criminal cases including violation of any county ordinance~~
5 ~~or any violation of criminal or traffic laws of this state, including infractions,~~
6 ~~but no such surcharge shall be assessed when the costs are waived or are to be~~
7 ~~paid by the state, county or municipality or when a criminal proceeding or the~~
8 ~~defendant has been dismissed by the court. For purposes of this section, the~~
9 ~~term "county ordinance" shall not include any ordinance of the City of St.~~
10 ~~Louis. The clerk responsible for collecting court costs in civil and criminal~~
11 ~~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.]~~

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