HCS SB 945 -- COURT OPERATIONS

SPONSOR: May

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Corrections and Public Institutions by a vote of 6 to 3. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 11 to 0.

The following is a summary of the House Committee Substitute for SB 945.

SHERIFF OF ST. LOUIS (Section 57.540)

Currently, compensation for the attorney for the sheriff of the City of St. Louis must be not less than $3,000 and not more than $15,000 per year. This bill provides that the sheriff will set the rate of compensation for the attorney, and the attorney will be employed at the pleasure of the sheriff.

COURT OPERATIONS (Sections 476.055, 483.005, 483.082, 488.012 & 509.520)

The bill makes technical changes to the Statewide Court Automation Fund, increases the court fee directed to the statewide court automation fund from $7 to $10, and makes changes to the makeup of the Court Automation Committee, including:

(1) Requiring the judicial members of the Committee to be appointed by the Chief Justice of the Missouri Supreme Court;

(2) Modifying the language concerning the two members of the Missouri Bar appointed by the board of governors of the Missouri Bar. The bill repeals a provision designating the two members from the Bar as ex-officio members of the Committee;

(3) Requiring that, of the members on the Committee from the Senate and the House of Representatives, one member from each chamber must be from the majority party and one must be from the minority party;

(4) Adding two ex officio members: one being the Chief Justice of the Missouri Supreme Court or his or her designee, and the other being the Commissioner of Administration or his or her designee.

(5) Changing the Director of the State Public Defender System to be an ex officio member.

The bill specifies that members of the Committee will serve for two-year terms and will be reimbursed from the Statewide Court Automation Fund for their actual expenses in performing their official committee duties. The bill authorizes the Committee to implement pilot projects in the State at any time. The Committee is required to submit a report on the progress of the court automation system electronically by the 15th of January of each year to the chairs of the committees specified in the bill, or their successor committees.

The bill creates definitions for the statutes related to court records and the statewide court automation system. The definitions include, among others, "case record", "confidential information", and "minor child". The bill requires confidential information and confidential records in a case record to be inaccessible to the general public, as provided under Missouri Supreme Court Rules, and repeals previous confidentiality requirements.

The bill makes changes to the information that must not be included in court documents, including pleadings, attachments, and exhibits.

Currently, such documents must not contain the full Social Security number of any party or any child. The bill provides that such documents must not contain the Social Security number of any party or any child only when that party or child is the subject of an order of custody or support.

The bill clarifies financial information that must not be included in such documents and repeals provisions that prevented specified information from appearing in such documents.

TREATMENT COURT COMMISSIONERS (Section 478.003)

This bill requires judicial circuits that have a treatment court division but no treatment court administrator or commissioner to employ a treatment court administrator, subject to appropriations or other available funds. If the compensation of an administrator employed under these provisions is provided from funds other than state funds, the source of the funds will pay to and reimburse the state for the actual costs of the salary and benefits of the administrator.

CERTAIN JUDICIAL CIRCUITS (Sections 478.385, 478.387, 478.550, 478.600, 478.630, 478.700, 478.705 & 487.020)

This bill amends various statutes related to certain judicial circuits by repealing references to the specific counties of which the individual circuits consist. The bill also adds:

(1) A circuit judge to the 7th judicial circuit beginning fiscal year 2028;

(2) An associate circuit judge to the 23rd judicial circuit beginning fiscal year 2028. The Governor will appoint the judge and that judge will serve until January 1, 2029. An associate circuit judge will be elected in 2028 and every four years thereafter;

(3) Beginning January 1, 2029, a circuit judge and, beginning fiscal year 2028, two associate circuit judges to the 11th judicial circuit. The circuit judge in division 17 will be elected in 2028 for a two-year term and in 2030 for a six-year term and every six years thereafter. The associate circuit judges will be elected in 2028 and will not be included in the statutory formula for authorizing additional associate circuit judgeships per count;

(4) An associate circuit judge to Franklin County in the 20th judicial circuit. The Governor will appoint the judge and that judge will serve until January 1, 2029. A judge will be elected in 2028 and every four years thereafter. This associate circuit judgeship will not be included in the statutory formula for authorizing additional associate circuit judges per county;

(5) A circuit judge to the 25th judicial circuit. The judge appointed by the Governor in 2025 will serve until January 1, 2029, and a judge will be elected in 2032 and every six years thereafter; and

(6) An associate circuit judge to Miller County in the 26th judicial circuit. The Governor will appoint the judge and that judge will serve until January 1, 2029. A judge will be elected in 2028 and every four years thereafter and will not be included in the statutory formula for authorizing additional associate circuit judgeships per county.

This bill adds the 7th Judicial Circuit in Clay County to the circuit courts that can appoint a family court commissioner whose compensation does not have to be reimbursed to the State. This

does not authorize the circuit to appoint additional family court commissioners on top of the number in office in the circuit as of January 1, 2027.

Beginning in fiscal year 2028, the 25th judicial circuit may appoint one additional family court commissioner.

COURT COST INCREASES (Section 488.027)

The bill provides that Beginning July 1, 2027, and on July first of each year thereafter, court costs will be adjusted annually for inflation based on the Consumer Price Index for All Urban Consumers. Such increase will apply to all cases filed on or after July first of the year in which the adjustment was made.

COURT FILING SURCHARGES (Section 488.426)

Currently, any circuit court can collect a civil case filing surcharge of an amount not to exceed $15 for the maintenance of a law library, the county's or circuit's family services and justice fund, or courtroom renovation and technology enhancement. If the circuit court reimburses the state for salaries of family court commissioners or is the circuit court in Jackson County, the surcharge can be up to $20. This bill provides that the circuit court in the City of St. Louis may charge a filing surcharge up to $20.

MISSOURI EXPUNGEMENT FUND (Section 610.144)

This bill creates in the State Treasury the "Missouri Expungement Fund", the funds of which will be used by the Office of State Courts Administrator, the Department of Public Safety, and the Information Technology Services Division within the Office of Administration on the statewide court automation system and the Missouri criminal history record information system for the purposes specified in the bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Perfected Senate version of the bill.

PROPONENTS: Supporters say that the bill allows a filing surcharge aligning with existing provisions with other courts. This will support maintenance and enhancement of law library and other critical functions. This bill will allow for updated legal texts and improved access to legal resources and databases. A well-funded library gives vital support to individuals who

represent themselves. Justice for all is vital, regardless of their situation or economic situation. This enhancement aids both lay people and professionals and improves the efficiency and effectiveness of our judicial system to handle the demands of our legal system. This change is supported by the judges in the affected circuit. We need to support the oldest law library west of the Mississippi. This isn't a new charge. It has existed since 1945, and it has not been changed in many years, even though the operating costs of the library have increased and membership has decreased. The law library provides many public services, including providing materials to incarcerated individuals and educating the public. Raising the surcharge will not cause the court costs to become disproportionate.

Testifying in person for the bill were Senator May; and Sean Milford, Law Library Association of Saint Louis.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.