

SECOND REGULAR SESSION

HOUSE BILL NO. 1838

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

3851H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the expiration date of funding of basic civil legal services for certain persons.

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

Section A. Section 477.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.650, to read as follows:

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected under section 488.031 shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the

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.

18 programs according to the funding formula employed by the Federal Legal Services
19 Corporation for the distribution of funds to this state. Notwithstanding the provisions of
20 section 33.080, any balance remaining in the basic civil legal services fund at the end of any
21 year shall not be transferred to the state's general revenue fund. Moneys in the basic civil
22 legal services fund shall not be used to pay any portion of a refund mandated by Article X,
23 Section ~~[45]~~ 18 of the Missouri Constitution. State legal services programs shall represent
24 individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its
25 officials, with any state funds.

26 3. Contracts for services with state legal services programs shall provide eligible low-
27 income Missouri citizens with equal access to the civil justice system, with a high priority on
28 families and children, domestic violence, the elderly, and qualification for benefits under the
29 Social Security Act. State legal services programs shall abide by all restrictions,
30 requirements, and regulations of the Legal Services Corporation regarding their cases.

31 4. The Missouri supreme court, or a person or organization designated by the court, is
32 the administrator and shall administer the fund in such manner as determined by the Missouri
33 supreme court, including in accordance with any rules and policies adopted by the Missouri
34 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection
35 of the fee and the implementation and administration of the fund.

36 5. Each recipient of funds from the basic civil legal services fund shall maintain
37 appropriate records accounting for the receipt and expenditure of all funds distributed and
38 received pursuant to this section. These records must be maintained for a period of five years
39 from the close of the fiscal year in which such funds are distributed or received or until
40 audited, whichever is sooner. All funds distributed or received pursuant to this section are
41 subject to audit by the Missouri supreme court or the state auditor.

42 6. The Missouri supreme court, or a person or organization designated by the court,
43 shall, by January thirty-first of each year, report to the general assembly on the moneys
44 collected and disbursed pursuant to this section and section 488.031 by judicial circuit.

45 ~~[7. The provisions of this section shall expire on December 31, 2025.]~~

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