

SECOND REGULAR SESSION

HOUSE BILL NO. 2533

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHILLIPS.

6034H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund.

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

Section A. Section 50.535, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.535, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 11 and 12 of section 571.101 shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund shall only be used by law enforcement agencies for the purchase of equipment, to provide training, and to make necessary expenditures to process applications for concealed carry permits or renewals, including but not limited to the purchase of equipment, information and data exchange, training, fingerprinting and background checks, employment of additional personnel, and any expenditure necessitated by an action under section 571.114 or 571.117. **Except as provided in subsection 5 of this section**, if the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance [shall] **may** remain in said fund and the balance [shall] **may** be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency. **The funds**

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 **received under section 571.101 shall be used only to supplement the sheriff's funding**
19 **received from other county, state, or general funds. The county commission shall not**
20 **reduce any sheriff's budget as a result of funds received under section 571.101.**

21 3. Notwithstanding any provision of this section to the contrary, the sheriff of every
22 county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all
23 reasonable and necessary costs and expenses for activities or services occasioned by compliance
24 with sections 571.101 to 571.121. Such was the intent of the general assembly in original
25 enactment of this section and sections 571.101 to 571.121, and it is made express by this section
26 in light of the decision in Brooks v. State of Missouri, (Mo. Sup. Ct. February 26, 2004). The
27 application and renewal fees to be charged pursuant to section 571.101 shall be based on the
28 sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and
29 expenses to be incurred by reason of compliance with sections 571.101 to 571.121. If the
30 maximum fee permitted by section 571.101 is inadequate to cover the actual reasonable and
31 necessary expenses in a given year, and there are not sufficient accumulated unexpended funds
32 in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed
33 expenses to the office of administration, which upon certification by the attorney general shall
34 reimburse such sheriff for those expenses from an appropriation made for that purpose.

35 4. If pursuant to subsection 13 of section 571.101, the sheriff of a county of the first
36 classification designates one or more chiefs of police of any town, city, or municipality within
37 such county to accept and process applications for concealed carry permits, then that sheriff shall
38 reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable
39 expenses related to accepting and processing such applications.

40 **5. Any excess funds unnecessary to meet the mandate of subsection 3 of this section**
41 **may be expended for other purposes or transferred to discretionary funds for county**
42 **sheriffs; provided that, no claim for inadequate coverage under subsection 3 of this section**
43 **has been made within the last five years resulting in reimbursement from the office of**
44 **administration for expenses incurred implementing sections 571.101 to 571.121.**

✓