

SECOND REGULAR SESSION

# SENATE BILL NO. 779

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 488.5320, RSMo, and to enact in lieu thereof one new section relating to charges in criminal cases for law enforcement services.

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

Section A. Section 488.5320, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 488.5320, to read as follows:

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed  
2 a charge for their services rendered in criminal cases and in all proceedings for  
3 contempt or attachment, as required by law, the sum of seventy-five dollars for  
4 each felony case or contempt or attachment proceeding, ten dollars for each  
5 misdemeanor case, and six dollars for each infraction, **[excluding] including**  
6 cases disposed of by a traffic violations bureau established pursuant to law or  
7 supreme court rule. Such charges shall be charged and collected in the manner  
8 provided by sections 488.010 to 488.020 and shall be payable to the county  
9 treasury; **except that, those charges from cases disposed of by a traffic**  
10 **violations bureau shall be distributed as follows: one-half of the**  
11 **charges collected shall be forwarded and deposited to the credit of the**  
12 **MODEX fund established in subsection 5 of this section for the**  
13 **operational cost of the Missouri data exchange (MODEX) system, and**  
14 **one-half of the charges collected shall be deposited to the credit of the**  
15 **inmate security fund, established in section 488.5026, of the county or**  
16 **municipal political subdivision from which the citation originated. If**  
17 **the county or municipal political subdivision has not established an**  
18 **inmate security fund, the funds shall be deposited in the MODEX fund.**

19 2. The sheriff receiving any charge pursuant to subsection 1 of this section  
20 shall reimburse the sheriff of any other county or the city of St. Louis the sum of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

21 three dollars for each pleading, writ, summons, order of court or other document  
22 served in connection with the case or proceeding by the sheriff of the other county  
23 or city, and return made thereof, to the maximum amount of the total charge  
24 received pursuant to subsection 1 of this section.

25 3. The charges provided in subsection 1 of this section shall be taxed as  
26 other costs in criminal proceedings immediately upon a plea of guilty or a finding  
27 of guilt of any defendant in any criminal procedure. The clerk shall tax all the  
28 costs in the case against such defendant, which shall be collected and disbursed  
29 as provided by sections 488.010 to 488.020; provided, that no such charge shall  
30 be collected in any proceeding in any court when the proceeding or the defendant  
31 has been dismissed by the court; provided further, that all costs, incident to the  
32 issuing and serving of writs of scire facias and of writs of fieri facias, and of  
33 attachments for witnesses of defendant, shall in no case be paid by the state, but  
34 such costs incurred under writs of fieri facias and scire facias shall be paid by the  
35 defendant and such defendant's sureties, and costs for attachments for witnesses  
36 shall be paid by such witnesses.

37 4. Mileage shall be reimbursed to sheriffs, county marshals and guards  
38 for all services rendered pursuant to this section at the rate prescribed by the  
39 Internal Revenue Service for allowable expenses for motor vehicle use expressed  
40 as an amount per mile.

41 **5. (1) There is hereby created in the state treasury the "MODEX**  
42 **Fund", which shall consist of money collected under subsection 1 of this**  
43 **section. The fund shall be administered by the Peace Officers**  
44 **Standards and Training Commission established in section 590.120. The**  
45 **state treasurer shall be custodian of the fund. In accordance with**  
46 **sections 30.170 and 30.180, the state treasurer may approve**  
47 **disbursements. The fund shall be a dedicated fund and, upon**  
48 **appropriation, money in the fund shall be used solely for the**  
49 **operational support and expansion of the MODEX system.**

50 **(2) Notwithstanding the provisions of section 33.080 to the**  
51 **contrary, any moneys remaining in the fund at the end of the biennium**  
52 **shall not revert to the credit of the general revenue fund.**

53 **(3) The state treasurer shall invest moneys in the fund in the**  
54 **same manner as other funds are invested. Any interest and moneys**  
55 **earned on such investments shall be credited to the fund.**

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