

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 163
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 8, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0605S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund, with an expiration date for certain sections.

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

Section A. Sections 477.650 and 488.031, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 477.650 and 488.031, to read as follows: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 [pursuant to] **under** section 488.031, RSMo, 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] **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] **Federal Legal Services Corporation** funding. The funds so distributed shall be used by legal services organizations in this state solely to

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

17 provide legal services to eligible low-income persons as such persons are defined
18 by the Federal Legal [Services' Corporation] **Services Corporation's** Income
19 Eligibility Guidelines. Fund money shall be subject to all restrictions imposed
20 on such legal services organizations by law. Funds shall be allocated to the
21 programs according to the funding formula employed by the [legal services
22 corporation] **Federal Legal Services Corporation** for the distribution of funds
23 to this state. Notwithstanding the provisions of section 33.080, RSMo, any
24 balance remaining in the basic civil legal services fund at the end of any year
25 shall not be transferred to the state's general revenue fund. Moneys in the basic
26 civil legal services fund shall not be used to pay any portion of a refund mandated
27 by article X, section 15 of the Missouri Constitution. **State legal services**
28 **programs shall represent individuals to secure lawful state benefits,**
29 **but shall not sue the state, its agencies, or its officials, with any state**
30 **funds.**

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

38 [3.] 4. The Missouri supreme court, or a person or organization
39 designated by the court, is the administrator and shall administer the fund in
40 such manner as determined by the Missouri supreme court, including in
41 accordance with any rules and policies adopted by the Missouri supreme court for
42 such purpose. Moneys from the fund shall be used to pay for the collection of the
43 fee and the implementation and administration of the fund.

44 [4.] 5. Each recipient of funds from the basic civil legal services fund
45 shall maintain appropriate records accounting for the receipt and expenditure of
46 all funds distributed and received pursuant to this section. These records must
47 be maintained for a period of five years from the close of the fiscal year in which
48 such funds are distributed or received or until audited, whichever is sooner. All
49 funds distributed or received pursuant to this section are subject to audit by the
50 Missouri supreme court or the state auditor.

51 [5.] 6. The Missouri supreme court, or a person or organization
52 designated by the court, shall, by January thirty-first of each year, report to the

53 general assembly on the moneys collected and disbursed pursuant to this section
54 and section 488.031, RSMo, by judicial circuit.

55 **7. The provisions of this section shall expire on December 31,**
56 **2012.**

488.031. 1. In addition to other fees authorized by law, the clerk of each
2 court shall collect the following fees on the filing of any civil or criminal action
3 or proceeding, including an appeal, except that no fee shall be imposed pursuant
4 to this section on any case that is filed charging traffic violations except
5 alcohol-related offenses:

6	Supreme court and court of appeals	\$20.00;
7	Circuit division	\$10.00;
8	Associate circuit courts	\$8.00; and
9	Small claims courts	No additional fee

10 2. Court filing surcharges pursuant to this section shall be collected in the
11 same manner as other fees, fines, or costs in the case. The amounts so collected
12 shall be paid by the clerk to the office of the state courts administrator and
13 credited to the special fund designated as the basic civil legal services
14 fund. However, the additional fees prescribed by this section shall not be
15 collected when a criminal proceeding or defendant has been dismissed by the
16 court or when costs are waived or are to be paid by the state, county,
17 municipality, or other political subdivision of this state.

18 **3. The provisions of this section shall expire on December 31,**
19 **2012.**

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