

FIRST REGULAR SESSION

SENATE BILL NO. 391

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1318S.01H

KRISTINA MARTIN, Secretary

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Section A. Section 477.650, RSMo, is repealed and one new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

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

13 2. Funds in the basic civil legal services fund shall
14 be allocated annually and expended to provide legal
15 representation to eligible low-income persons in the state
16 in civil matters. Moneys, funds, or payments paid to the
17 credit of the basic civil legal services fund shall, at
18 least as often as annually, be distributed to the legal

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

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

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

47 4. The Missouri supreme court, or a person or
48 organization designated by the court, is the administrator
49 and shall administer the fund in such manner as determined
50 by the Missouri supreme court, including in accordance with

51 any rules and policies adopted by the Missouri supreme court
52 for such purpose. Moneys from the fund shall be used to pay
53 for the collection of the fee and the implementation and
54 administration of the fund.

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

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

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

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