2012 Legislation

All legislation is effective August 28, 2012, unless otherwise indicated.

Section B – Clerk Impact

Section C – Costs

Section F – Supreme Court Rules Changes

JIS Security Changes

For Copies of Bills go to
http://www.house.mo.gov/billcentral.aspx

Table of Contents
Clerk Impact

Civil 3
Suspension and Revocation of Motor Vehicle Dealer's License 3
Section 301.562, RSMo; House Bill 1402 3
Reinstatement of License 3
Section 302.060, RSMo; House Bill 1402 3
Limited Driving Privilege & Ignition Interlock Device 4
Section 302.309, RSMo; Senate Bill 480 4
Section 302.309, RSMo; House Bill 1402 6
Fire Districts 7
Section 321.460, RSMo; House Bill 1647 7
Public Service Commission Appeals 7
Section 386.510, RSMo; Senate Bill 628 7
Condemnation 7
Sections 508.050 and 523.010, RSMo; Senate Bills 628 and 636 7
Executions and Exemptions 8
Section 513.430, RSMo; Senate Bill 628; House Bill 1527 8
Section 513.440, RSMo – Dependent Age 8
Concealed Carry Endorsement 9
Sections 571.030, 571.031, 571.101 and 571.111, RSMo; House Bill 1647 . 9
Expungement 9
Section 610.140, RSMo; House Bill 1647 9
Domestic Relations 10
Stay of Paternity Proceedings in Certain Rape Cases 10
Section 452.374, RSMo; Senate Bill 628 10
Probate 11
Restoration of Rights 11
Section 571.092, RSMo; House Bill 1647 11
Criminal 13
Earned Compliance Credits 13
Section 217.703, RSMo; House Bill 1525 13
Administrative Jail Sanctions 14
Section 217.718, RSMo; House Bill 1525 14
FACT Suspension 15
Section 302.341, RSMo; Senate Bill 480 15
Municipal Ordinance Violations 16
Section 479.040, RSMo; Senate Bill 628 and 636 16
Cost for Examining Electronics in Sexual Offense Cases 18
Section 488.5375, RSMo; Senate Bill 628 18
Unclaimed Seized Electronics 18
Section 542.301, RSMo; Senate Bill 628 18
Child Abuse, Neglect or Death of a Child Condition of Release 19
Section 544.456, RSMo; House Bill 1323 19

Mandatory Placement in a 120–Day Program 21
Sections 559.036 and 559.100, RSMo; House Bill 1525 21
Restoration of Rights 23
Section 571.092, RSMo; House Bill 1647 23
Expungement 23
Section 610.140, RSMo; House Bill 1647 23
Municipal 27
Municipal Courts Fine or Court Cost Collection 27
Section 67.136, RSMo; Senate Bill 628 27
Municipal Ordinance Violations 27
Section 479.040, RSMo; Senate Bills 628 and 636 27
Juvenile 30
Juvenile Jurisdiction 30
Section 211.031, RSMo; Senate Bills 636 and 628; House Bill 1171 30
County Specific 31
Greene and Cass County Associate Circuit Court Judges 31
Section 67.2010, RSMo; Senate Bill 628 31
Failing to Pay Bi-State Development Agency in the City of St. Louis and St. Louis County 31
Section 70.441, RSMo; Senate Bills 480 and 636; House Bill 1402 31

CLERK IMPACT

Civil

Suspension and Revocation of Motor Vehicle Dealer's License

Section 301.562, RSMo; House Bill 1402

Establishes an administrative hearing proceeding for the suspension and revocation of a motor vehicle dealer's license. Final decisions by Department of Revenue (DOR) regarding the revocation or suspension of a motor vehicle dealer's license are subject to judicial review under chapter 536, RSMo. **Procedures under this section shall be closed and no order shall be made public until it is final.**

Clerk Impact:

Clerks may see new judicial review filings in connection with DOR administrative hearings to suspend or revoke an automobile dealer's license.

JIS Impact:

Use ***NEW*** case type:
IG – CC Jud Revw DOR Dealer License

Use ***NEW*** docket code:
OISDL – Order to DOR Reissue Delr Lic

The case type IG security level will automatically be set at security level 3 (confidential) until the final order is issued. When the order docket code OISDL is entered on CDADOCT, the case security level will lower to level 2, allowing the order and any entries after the order to be available on Case.net.

Will be found in Court Clerk Handbook section 207.02, Judicial Review of Administrative Agency Decisions.

Reinstatement of License

Section 302.060, RSMo; House Bill 1402

Requires the results of a criminal history check to be provided to the court in a proceeding for the:

- Reinstatement of a driver's license after a 10 year denial; and
- Reinstatement of a driver's license after a 5 year denial.

A person who petitions the court for a reinstatement of his or her driver's license must submit an application to the Missouri State Highway Patrol (MSHP) for his/her criminal history check which shall include the case number and court location.

The petitioner must submit fingerprints directly to MSHP. The fingerprints will be used by the MSHP to search the criminal history repository and Federal Bureau of Investigation federal criminal history files.

The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check. **The circuit court will receive the results of the criminal history background check directly from MSHP.**

Clerk Impact:

Clerks will receive criminal history results from the Missouri State Highway Patrol for filing. The criminal history results shall be maintained as a confidential document.

JIS Impact: Use ***NEW*** docket code:
FCRIM – Criminal History Filed

Note: The document security level for this docket code will be level 6 – available only to select court staff.

Will be found in Court Clerk Handbook section 200.11, Petition for Order to Have DOR Reissue Driver's License.

Limited Driving Privilege & Ignition Interlock Device

Section 302.309, RSMo; Senate Bill 480

Ignition interlock devices required for obtaining limited driving privileges shall have photo identification technology and global positioning features. The court order (or DOR's administrative order) granting limited driving privileges **shall indicate when a functioning, certified ignition interlock device is a condition of the limited driving privileges**.

Allows for limited driving privileges to be issued after only serving 45 days of one revocation, 5 year denial or 10 year denial.

The ignition interlock provisions have an effective date of October 1, 2013.

Clerk Impact:

The court order granting limited driving privileges shall indicate when a functioning, certified ignition interlock device is a condition of the limited driving privileges.

Form Impact*:** *****Revised Form**

CR105 Order to Install Ignition Interlock Device

Note: Revised form will not be available until the October, 2013 effective date.

JIS Impact:

1. When the judge orders a defendant to have an ignition interlock device installed, complete the Order to Install Ignition Interlock Device form.

   1.1 **CDADOCT – Custom Docket Association Entry *(See Procedures: Docket Entry in GOLD)***

   * Use the docket code OIGID – Ord Install Igniton Intrlk Dvc.

   1.2 Enter into docket text any relevant details indicating a copy of the order was sent to the defendant so the installer can complete the Proof of Installation portion of the form.

   1.3 Enter into docket text any relevant details indicating a copy of the order was sent to the probation officer, if applicable.

   1.4 Mail a copy of the completed order to:

   Department of Revenue
   Driver's License Bureau
   301 West High Street, Room 470
   P. O. Box 200
   Jefferson City, MO 65105-0200

Note: If the order is issued in conjunction with a limited driving privilege, attach the limited driving privilege order and the Order to Install Ignition Interlock Device form together before mailing to the Department of Revenue.

Will be found in Court Clerk Handbook section 252.01, Limited Driving Privileges and 302.10, Ignition Interlock.

Section 302.309, RSMo; House Bill 1402

The circuit court, the Department of Revenue (DOR), or a drug/treatment court commissioner has jurisdiction to grant limited driving privileges (LDP).

The petitioner shall include the following with his/her petition for Limited Driving Privileges:

- A certified copy of the petitioner's driving record from DOR;
- Proof of financial responsibility (insurance) as required by chapter 303, RSMo on file with DOR; and
- **Results of a criminal history check.**

A person who petitions the court for LDP must submit an application with the Missouri State Highway Patrol (MSHP) for his/her criminal history check which shall include the case number and court location.

The petitioner must submit fingerprints directly to MSHP. The fingerprints will be used by the MSHP to search the criminal history repository and Federal Bureau of Investigation federal criminal history files.

The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check. **The circuit court will receive the results of the criminal history background check directly from MSHP.**

Clerk Impact:

Clerks will receive criminal history results from the Missouri State Highway Patrol for filing. The criminal history results shall be maintained as a confidential document.

JIS Impact:

Use case types:
IE – CC Limit Dr Priv 302.309 RSMo
IR – AC Limit Dr Priv 302.309 RSMo

Use ***NEW*** docket codes:
FCRIM – Criminal History Filed
FDRIV – DOR Cert Driving Record Filed

Docket code FPINS – Proof of Insurance already exists.

Note: The document security level for FCRIM docket code will be level 6 – available only to select court staff.

Will be found in Court Clerk Handbook section 252.01, Limited Driving Privileges.

Fire Districts

Section 321.460, RSMo; House Bill 1647

Two or more fire protection districts may consolidate with each other if the districts have one or more common boundaries or are located within the same county, in whole or in part.

Clerk Impact:

Two or more fire protection districts are now allowed to consolidate with each other if they share one or more common boundaries or are located within the same county, in whole or in part.

JIS Impact: Use case type:
X1 – CC Other Miscellaneous Actions

Will be found in Court Clerk Handbook section 224.13, Special Districts.

Public Service Commission Appeals

Section 386.510, RSMo; Senate Bill 628

When a party seeks to appeal a decision by the Public Service Commission in the court of appeals, the party must file a notice of appeal with the Public Service Commission. The legislation specifies the Public Service Commission should **forward the appeal to the appropriate appellate court**. Previously the notice was also filed with the appropriate appellate court.

Clerk Impact:

Form Impact: *****REVISED*** Form**

GN175 Missouri Public Service Commission Notice of Appeal

Condemnation

Sections 508.050 and 523.010, RSMo; Senate Bills 628 and 636

Requires that suits against municipal corporations involving dangerous conditions of public property or suits in inverse condemnation be brought in the county in which all or part of the property is located.

Clerk Impact:

Clerks may see filings for inverse condemnation and suits involving dangerous conditions against municipal corporations.

JIS Impact: Use Case Type:
RK – CC Other Real Estate Actions

Will be found in Court Clerk Handbook section 224.05, Condemnations.

Executions and Exemptions

Section 513.430, RSMo; Senate Bill 628; House Bill 1527

Currently, any motor vehicle with a value of less than $3,000 is exempt from execution or attachment. The new law allows all motor vehicles owned by a debtor be considered together and exempts them from execution **only if their aggregate value** is less than $3,000.

A mobile home used as a principal residence that is **not attached** to real property is exempt from execution or attachment, as long as it does not exceed $5,000 in value. The exemption for local public assistance benefits is revised to include **all** public assistance benefits.

The bill changes the provision that will apply when determining if certain funds are fraudulent and must not be held exempt from a bankruptcy proceeding.

Section 513.440, RSMo – Dependent Age

The age for dependents included in the head of household exemption calculation is raised from 18 to **21**.

Clerk Impact:

Changes the allowable attachment and execution exemptions.

Form Impact: *****REVISED*** Form**

CV90 Execution/Garnishment/Sequestration Application and Order

Concealed Carry Endorsement

Sections 571.030, 571.031, 571.101 and 571.111, RSMo; House Bill 1647

Currently, a person age 21 can obtain a concealed carry endorsement. The new provision allows a person **18 years old who is a member of the US Armed Forces (or spouse of a member) or has been honorably discharged to obtain a concealed carry endorsement.**

Clerk Impact:

Sections 571.030 and 571.031, RSMo add provisions that allow a person 18 years old who is a member of the US Armed Forces (or spouse of a member) or honorably discharged to obtain a concealed carry endorsement.

Form Impact: ******REVISED***** Forms

SC90 Appeal of a Denial or Refusal to Act on Certificate of Qualification for a Concealed Carry Endorsement – Small Claims Court
SC105 Petition for Revocation Certificate of Qualification or Concealed Carry Endorsement – Small Claims Court
SC115 Judgment and Order to Revoke Certificate of Qualification or Concealed Carry Endorsement – Small Claims Court

Will be found in Court Clerk Handbook section 252.10, Appeal of Denial or Petition to Revoke a Concealed Carry Endorsement (Carry Concealed Weapons).

Expungement

Section 610.140, RSMo; House Bill 1647

A person is allowed to apply for the expungement of certain criminal records (arrest, plea, trial and conviction records) after 10 years have elapsed for specified misdemeanors and 20 years have elapsed for specified felonies.

Clerk Impact:

For more information and clerk impact see page 23.

Domestic Relations

Stay of Paternity Proceedings in Certain Rape Cases

Section 452.374, RSMo; Senate Bill 628

An automatic stay will be placed on paternity proceedings during the pendency of criminal charge alleging an act of rape by the putative father. The stay shall not be lifted until there is a final disposition of the criminal charges.

Denial of visitation rights cannot be used against the mother in determining which parent is most likely to allow meaningful contact with the other parent.

Clerk Impact:

If a civil clerk is notified that a criminal rape charge has been initiated against the respondent in a pending paternity action, and the parties involved are the same, the clerk may relate the pending civil paternity action to the criminal rape case. An order code on the civil paternity action can also be entered to stay the civil action pending the outcome of the criminal rape case.

JIS Impact:

CDARELC:	Relate the civil case to the criminal case
CDADOCT:	Use OSTAY – Order for Stay, to indicate that the civil action is stayed pending the outcome of the criminal rape case.

Will be found in Court Clerk Handbook section 220.09, Paternity.

Probate

Restoration of Rights

Section 571.092, RSMo; House Bill 1647

The procedure moved from chapter 475, RSMo to chapter 571, RSMo.

A person disqualified from owning a firearm may file a petition for the removal of the disqualification. The petition shall be filed in the circuit court in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition must also include the circumstances regarding the firearm disability; the applicant's record which shall include the applicant's mental health and criminal history records (if any); the applicant's reputation; and any other information or relevant evidence concerning changes in petitioner's condition.

After a petition is filed the clerk must schedule a hearing and provide notice of the hearing to the petitioner. If there is clear and convincing evidence that the applicant will not likely act in a manner dangerous to public safety AND granting the relief is not contrary to the public interest, then the court must grant relief. To make this determination the court may request the prosecuting attorney or attorney general to provide a recommendation regarding the requested relief. Evidence may be presented at the hearing and a record must be kept of the proceedings.

If the applicant is disqualified due to an involuntary commitment, the hearing and records must be closed to the public unless the court determines that the public interest outweighs such privacy. The court can review the mental health records in-camera upon motion by the applicant if the hearing is otherwise open to the public. Mental health records shall be restricted from public disclosure unless the court determines that the public interest outweighs such privacy. The court must include specific findings of fact regarding its decision and include such in the order.

Upon granting the petition, the clerk shall forward the order to the Missouri State Highway Patrol (MSHP) to update the applicant's record with NICS. The Missouri State Highway Patrol must contact the FBI regarding the removal of disqualification no later than 21 days from receipt of the order. If the petition is denied, the applicant is not eligible to file another petition until one year has expired from the date of the denial. If the applicant appeals a denial of their petition the review shall be de novo.

Clerk Impact:

Moves section 475.375, RSMo to section 571.092, RSMo. Case processing procedures remain the same. Clerks may receive petitions for the removal of firearm disqualifications. Clerks shall schedule a hearing and provide notice to the petitioner and other entities requested by the judge. If the court orders a review, access to all mental health, juvenile and criminal history records will be granted for this purpose. The review hearing shall be recorded. If the petition is granted, the clerk shall forward the order to the Missouri State Highway Patrol.

***JIS Impact*:** Use Case Type:
P0 – Removal of Disqual Firearm

Form Impact*:** *****REVISED Form**

PR510 Order for Removal of the Disqualification to Purchase, Possess or Transfer a Firearm

Will be found in Probate Clerk Handbook section 400.06, Petition for Removal of Firearm Disqualification and 303.12, Psychiatric Evaluations/Commitments.

Criminal

Earned Compliance Credits

Section 217.703, RSMo; House Bill 1525

Earned compliance credits reduce the term of probation, parole, or conditional release by 30 days for each full calendar month of compliance with all terms of supervision but may be suspended or rescinded if the offender violates the conditions of supervision.

The court may **upon its own motion or a motion of the prosecuting or circuit attorney,** make a finding that an offender is not eligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made at any time prior to the first month in which the person may earn compliance credits.

At least twice a year, the Division of Probation and Parole must calculate the number of months the offender has remaining on supervision, taking into consideration any earned credits, and notify the offender of the length of the remaining term. No less than 60 days before the date of final discharge, **the Department of Corrections must notify the sentencing court,** the board, and for probation cases the circuit or prosecuting attorney of the impending discharge. **If none of these parties takes any action upon receiving this notice, the offender will be discharged under these provisions.**

Clerk Impact:

Courts may receive a motion to deny an offender earned compliance credits, or the court may issue an order on its own motion.

JIS Impact:

CDADOCT: Use ***NEW*** docket codes:
MDPCC – Motion to Deny Prob Comp Crdt, to indicate a motion has been filed.

ODPCC – Order to Deny Prob Comp Credit, to indicate the court's ruling to deny compliance credits.

Will be found in Court Clerk Handbook section 301.05, Probation Summary.

Clerk Impact:

Courts will receive notification from the Department of Corrections (DOC) when an offender is eligible for discharge. If the court does not take action, the offender will be discharged from probation supervision.

JIS Impact:

CDADOCT:	Use FPRRE – Progress Report Filed, to indicate the filing of the report from DOC. Use OPRDS – Probation Discharged, to indicate the offender's release from probation.
CZAPROG:	Use outcome code SUC – Successfully Completed, to reflect the outcome of the active probation record.

Will be found in Court Clerk Handbook section 301.05, Probation Summary

Administrative Jail Sanctions

Section 217.718, RSMo; House Bill 1525

As an alternative to the revocation proceedings, a probation or parole officer may order that an offender be placed in the county jail for a short period of time when the officer believes the offender has violated a condition of probation or parole unless the court has otherwise required detention to be a condition of probation.

The first period of detention cannot exceed 48 hours, but subsequent periods may exceed 48 hours. However, the total cannot exceed 360 hours in any year.

The officer must present the offender with a report detailing the violation and advise the offender of **the right to a hearing before the court or board prior to the period of detention**. The Division of Probation and Parole shall file a copy of the violation report with the sentencing court or board after the imposition of the period of detention and within a reasonable period of time that is consistent with existing division procedures.

The Department of Corrections, Division of Probation and Parole **must reimburse the county jail for the costs of detention at a rate to be determined by the Department of Corrections which must be at least $30 per day per offender and subject to appropriation by the General Assembly**. Detention costs shall not be assessed to the defendant as court costs.

Upon successful completion of the period of detention, the court or board cannot revoke the term of parole, probation, or conditional release or impose additional periods of detention for the same incident unless new or additional information is discovered that was unknown to the division when the period of detention was imposed and indicates that the offender was involved in the commission of a crime. If the offender fails to complete the period of detention or new or additional information is discovered that the incident involved a crime, he or she may be arrested.

Clerk Impact:

Courts will receive copies of written reports from Probation and Parole outlining an offender's probation violations and ordering the offender to a period of detention. The report will further inform the offender of the right to request a hearing. If a hearing is requested, one will be scheduled by the clerk. The report shall be maintained as a confidential document.

JIS Impact:

CDADOCT**:** Use ***NEW*** docket code:
FVROD – Vio Rept and Ordr of Det Filed, to indicate the filing of a violation report that contains an order of detention.

Note: The document security level for this docket code will be level 4 – available to attorneys of record and select court staff.

CSAEVNT: Use ***NEW*** event scheduling code:
SCVD – Violation and Deten Hrng Sched, if the offender requests a hearing be scheduled.

CDAEVNT: Use ***NEW*** hearing outcome code:
HRVD – Violation and Deten Hrng Held

Will be found in Court Clerk Handbook section 301.05, Probation Summary.

FACT Suspension

Section 302.341, RSMo; Senate Bill 480

A commercial motor vehicle operator or a holder of a commercial driver's license is not eligible to have the suspension for failure to pay costs and fees timely or to appear on a moving violation removed from his or her driving record.

Clerk Impact:

FACT Suspensions remain on the driver record of a CDL holder permanently.

Will be found in Court Clerk Handbook sections 302.05, Reporting Failure to Appear or Pay.

Municipal Ordinance Violations

Section 479.040, RSMo; Senate Bill 628 and 636

Currently, municipalities that make an election to have violations of their ordinances heard by an associate circuit court must have all violations of their ordinances heard by the court. Municipalities may now **elect to have only violations by an accused with special needs due to mental illness or mental disorder heard by the associate circuit or county municipal courts**. If the election is for an associate circuit court to handle the cases, the presiding judge of the circuit must consent to the election.

The associate circuit court or the county municipal court must have established specialized courts (i.e. mental health, domestic violence, family court, DWI housing court) and the court accepts the election by consent of the presiding judge or county contract.

The prosecutor must make a designation of special needs on the information.

The matter will be transferred back to the municipal court if the associate circuit court or county municipal court does not have established resources for handling the case or the court determines the accused does not have special needs.

Clerk Impact:

Municipal courts that cannot accommodate special needs of a defendant may elect to transfer the case to the county ordinance court or associate circuit division if a specialized docket has been established for hearing these cases and the court has agreed to accept the cases. If it is determined that the defendant does not meet the criteria for processing through a specialized docket, the case shall be returned to the municipal court.

JIS Impact:

Associate Court Receives the Case

Use case type (as appropriate):
O6 – Municipal Ordinance – Other
O8 – County Ordinance – Other

Note: Most municipal courts are not on JIS so a new case will be initiated in CMAINIT – Custom Case Initiation Maintenance or CVAQMVI – Custom Quick Citation Entry. For cases received from JIS municipal courts, a subsequent case will be created using CDACASU – Custom Case Information Update.

CDADOCT: Enter docket code ACERT – Certified to Circuit Court to reflect the case has been received from a municipal court

Case Referred to Treatment Court

CDADOCT: Enter docket code DRCP – Referred to Court Program to indicate the case was transferred to treatment court

Note: Entering this docket code will remove the criminal case from pending cases and stop case aging. Do not enter anything in docket text to reflect the referral is to "treatment court" as this would be displayed on Case.net.

Case Does Not Meet Criteria and Is Returned to Municipal Court

CDADOCT: Enter docket code ORDER – Order and enter docket text to indicate the case did not meet criteria and it is being returned to the municipal court.
Enter docket code DREAS – Remand to Lower Court/Tribunal to dispose of the case.

Treatment Court Receives the Case

CMAINIT: Initiate the case using the appropriate treatment court case type.

On the short docket tab, enter ***NEW*** docket code **FMUNI – Muni Special Needs Referral** to indicate the case was received pursuant to an agreement for processing special needs cases in treatment court.

Will be found in Court Clerk Handbook sections 400.07, Certification of Municipal Case to Treatment Court and 500.02, Adult Treatment Court.

Cost for Examining Electronics in Sexual Offense Cases

Section 488.5375, RSMo; Senate Bill 628

Allows courts to order a defendant, upon a plea of guilty or a finding of guilt for a felony sexual offense, to reimburse the state or local law enforcement agency for the reasonable costs incurred in the examination of certain seized electronic devices.

The costs will be established by each law enforcement agency, but the court may reduce the costs if it determines them to be excessive.

Clerk Impact:

See Costs page 2.

Unclaimed Seized Electronics

Section 542.301, RSMo; Senate Bill 628

Computers, computer equipment, computer software and hardware, cellular telephones, or other devices capable of accessing the internet which are used by the owner or with the owner's consent as a means for committing felonies must be forfeited to the state. **Such forfeited equipment that had been used in the acquisition, possession, or distribution of child pornography or obscene material may, upon a court order, be retained by the law enforcement agency and used in criminal investigations.**

Clerk Impact:

Law enforcement agencies or prosecuting attorneys may file a request in the pending criminal case to have seized electronics retained by the law enforcement agency for investigation purposes.

JIS Impact:

CDADOCT: Use ***NEW*** docket codes:

MRSE – Mot to Retain Seized Electron, to indicate the request has been filed

ORSE – Ord to Retain Seized Electron, to indicate the court's order granting the retention of the electronics

Use docket code:
MDENY – Motion Denied, to indicate the court denied the motion

Will be found in Court Clerk Handbook section 301.01, Disposition Procedures Summary.

Child Abuse, Neglect or Death of a Child Condition of Release

Section 544.456, RSMo; House Bill 1323

Authorizes the court in a case involving the abuse, neglect, or death of a child to impose as a condition of release of the defendant that he or she be prohibited from providing child care services for compensation pending final disposition of the case. The court shall notify the Department of Health and Senior Services (DHSS) and Department of Social Services (DSS) when the court orders the restriction as well as the final disposition of the case. (This section shall be known as the Sam Pratt's law.)

Clerk Impact:

When the court orders that a defendant is prohibited from providing child care services for compensation as a condition of release, the court shall notify the Department of Health and Senior Services and Department of Social Services. The condition can be noted on the bond form.

JIS Impact:

On the CR40 Bond form, under "other conditions" type in "defendant prohibited from providing child care services for compensation."

1. **CDADOCT – Custom Docket Association Entry *(See Procedures: Docket Entry in GOLD)***

   1.1 Use the following code if the judge orders the defendant to meet certain conditions to be released on bond:

   - OCOR – Order Cond of Release

   1.2 Enter into docket text the conditions that the judge has ordered and that the Order has been mailed to the Department of Health and Senior Services and the Department of Social Services.

2. **CZRLMRG – Custom Letter Merge *(See Procedures: Letter Merge in GOLD)***

   2.1 Use the following letter code to generate the bond notice:

   - BOND – Bond

   2.2 Access Non-ACS Variables in the Navigation Pane and add information in the "Other Conditions" field with regard to the order prohibiting the defendant from providing child care services for compensation.

3. Mail copies of the bond to the Department of Health and Senior Services and to the Department of Social Services by first class mail.

   Department of Health and Senior Services
   Child Care Regulation Section
   P.O. Box 570
   Jefferson City, MO 65102
   Phone: (573) 751-2450
   Fax: (573) 526-5345

   Department of Social Services
   Early Childhood
   P.O. Box 88
   Jefferson City, MO 65103
   Phone: (573) 526-3899
   Fax: (573) 526-3971

When the court orders that a defendant is prohibited from providing child care services for compensation at final disposition of the case, the court shall notify the Department of Health and Senior Services and Department of Social Services via the CR180 Judgment form (or the OSCA Reports Judgment report).

1. **CZRLMRG – Custom Letter Merge *(See Procedures: Letter Merge in GOLD)***

   1.1 Use the following letter code to generate the CR180 Judgment:

   - SEJD – Judgment

   1.2 Edit the merged document to add "Defendant prohibited from providing child care services for compensation" in "The court further orders" section.

2. Mail copies of the CR180 (SEJD) Judgment by first class mail to the addresses below:

Department of Health and Senior Services
Child Care Regulation Section
P.O. Box 570
Jefferson City, MO 65102
Phone: (573)751-2450
Fax: (573)526-5345

Department of Social Services
Early Childhood
P.O. Box 88
Jefferson City, MO 65103
Phone: (573)526-3899
Fax:(573) 526-3971

OSCA Reports Impact:

Note: The OSCA Reports Circuit Court Judgment (CR Case Types Only) will be programmed in the future to include the prohibition language. Information will be sent to the courts when the changes have been made to the report.

Will be found in Court Clerk Handbook sections 222.04,Child Abuse and Neglect, 300.01, New Case Initiation, 301.01, Disposition Procedures Summary

Mandatory Placement in a 120–Day Program

Sections 559.036 and 559.100, RSMo; House Bill 1525

If a continuation, modification, enlargement, or extension of the probation period is not appropriate, the court must order certain offenders to be placed in one of the department's 120-day programs when the offender violated a condition of probation if,

- The offense for the probation is a class C or D felony or an drug related offense; offender has not already been placed in a 120-day program for the same offense or during the same probation term; whose probation violation does not involve:
    - Absconding or being arrested on suspicion of, being found guilty of, or pleading guilty to any crime; and

- Violating any conditions of probation involving the possession or use of weapons or a stay-away condition will be eligible for placement in one of these programs.

However, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible for the 120-day program if:

- The underlying offense is involuntary manslaughter in the first or second degree;
- Aggravated stalking;
- Assault in the second degree, sexual assault, domestic assault in the second degree, assault of a law enforcement officer in the second degree;
- Statutory rape or sodomy in the second degree;
- Deviate sexual assault; or
- Sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree in specific instances, abuse of a child, invasion of privacy, or any felony weapon offense under chapter 571, RSMo (weapons offenses).

Upon receiving the order from the court for placement, the Department of Corrections (DOC) must conduct an assessment and place the offender in the appropriate 120-day program. Once the offender has successfully completed the program, **the court must release the offender to continue to serve the term of probation without modifying, enlarging, or extending the term based on the same violation**.

The court may revoke probation if the defendant is not eligible for placement in a program and a continuation, modification, enlargement or extension of the term is not appropriate.

Clerk Impact:

Some probation violations require mandatory placement in a 120-day Department of Corrections program. The CR175 Judgment form and the OSCA Reports Sentence and Judgment will be modified to indicate sentencing under this provision. Courts will receive notification from the Department of Corrections 30 days prior to the completion of a shock program. If the court does not take action, the offender will be released to probation. Procedures are the same as currently outlined for 120-day program releases.

JIS Impact:

CZAPROG: End the active probation record with REV – Revoked

Enter a new record, SHOCK, to reflect the 120-day mandatory shock

Upon completion of the 120-day shock:

CDADOCT: Use docket code ORLES – Order for Release

CZAPROG: Enter a new probation record to reflect the remaining time on probation

Form Impact: *****REVISED*** Form**

CR175 Probation Revocation Judgment

OSCA Reports Impact:

Note: The OSCA Reports Circuit Court Judgment (CR Case Types Only) will be programmed in the future to include the prohibition language. Information will be sent to the courts when the changes have been made to the report.

Will be found in Court Clerk Handbook Sections 301.06, Revocation of Probation and 301.07, Shock Probation/120-Day Release.

Restoration of Rights

Section 571.092, RSMo; House Bill 1647

The procedure was moved from chapter 475, RSMo to chapter 571, RSMo.

For more information and clerk impact see page 11.

Expungement

Section 610.140, RSMo; House Bill 1647

A person is allowed to apply for the expungement of certain criminal records (arrest, plea, trial and conviction records) after 10 years have elapsed for specified misdemeanors and 20 years have elapsed for specified felonies.

The person may apply to any court in which they were found guilty if he or she:

- Completed his or her imprisonment or any period of probation or parole;
- Has not been convicted of or been placed on probation for any misdemeanor or felony during that time, except for traffic offenses;
- Has paid any amount of restitution ordered by the court;
- The circumstances and behavior of the petitioner warrant the expungement; and
- The expungement is consistent with the public welfare.

The eligible offenses for expungement must have occurred within the state of Missouri and prosecuted in a municipal, associate or circuit division. The **eligible offenses include**:

- Any felony or misdemeanor offenses for passing a bad check (section 570.120, RSMo), fraudulently stopping payment of an instrument (section 570.125, RSMo), or fraudulent use of a credit device or debit device (section 570.130, RSMo);
- Any misdemeanor offense for negligent burning or exploding (section 569.065, RSMo), negligently setting fire to crops or grassland (section 569.067, RSMo), tampering in the 2nd degree (section 569.090, RSMo), property damage in the 2nd degree (Only section 569.120.1(1), RSMo), trespass in the 1st degree (section 569.140, RSMo), trespass on marked property in the 1st degree (section 569.145, RSMo), gambling (section 572.020, RSMo), private peace disturbance (section 574.020, RSMo) and drunkenness or drinking in certain prohibited places (section 574.075, RSMo); and
- Any class B or C misdemeanor offense for peace disturbance (section 574.010, RSMo).

The petition must name all possible parties the petitioner believes may possess records subject to the expungement, including the courts. **Any party not named as a defendant is not bound by the courts order for expungement**.

The petition shall include:

- Petitioner's full name;
- Sex;
- Race;
- Driver's license number (if any);
- Current address;
- Each charged offense to be expunged;
- Date of arrest for each offense;
- Name of each county or municipality of arrest for the offenses;
- The case number and name of the court for each offense;
- Name of the agency of arrest for the offenses; and

- Petitioner's fingerprints at time of filing the petition.

To expunge a criminal record, the person must **file a petition in the civil division** of the circuit court in a county where any of the arrests, pleas, trials, or convictions occurred. The court may set a hearing, no sooner than 30 days from the filing of the petition, and give reasonable notice to the named defendants. The court may accept evidence and testimony at the hearing.

If an expungement is granted a copy of the order must be provided to each named defendant and they shall destroy any record relating to the expunged offenses. If destruction is not possible because of the permanent nature of the record books, the entries shall be blacked out. **Once expunged, however, the *court records and files* will be confidential and only available to the parties or by order of the court for good cause shown**.

The expungement also restores all rights to the person as if the crime had never occurred. However, a person granted an expungement must disclose any expunged offense when asked by the court or being charged with a subsequent offense; when the disclosure is necessary to complete certain applications for professional licenses, certificates, or permits issued by the state; any license issued by the gaming commission or paid or unpaid employment with an entity licensed by the gaming commission, state-operated lottery; or any emergency services provider. **Additionally, the expunged offense may be considered a prior offense in determining a sentence to be imposed for any subsequent offenses of which the petitioner may be found guilty.**

A person may be granted more than one expungement but not from the same court. A person may apply for one or more eligible offenses to be expunged as long as they are listed on the same petition. The clerk of the court is required to assess a $100 surcharge on all petitions for expungement in addition to standard court costs. The surcharge is payable to the General Revenue Fund.

If the expungement is not granted the petitioner may not refile another petition until a year has passed from the original filing date.

Clerk Impact:

Clerks may receive petitions for expungement of all records pertaining to a conviction. Expungements for multiple offenses must be included in a single petition. A petition should be filed in proper form and include a standard fingerprint card for the purpose of sending to the central repository for identification of the petitioner. Courts will assess a $100 surcharge for the filing of expungement petitions in addition to standard court costs. A hearing may be set no sooner than 30 days with notice given to all entities named in the petition. If an expungement is ordered, clerks will send a copy of the order to each entity named in the petition.

The issuing court will follow expungement procedures for the underlying criminal case within their jurisdiction. If a court receives such an order from another court, the court shall take the necessary steps to expunge all court records indicated in the order. Expunged court records should be made confidential and are only available to the parties or by order of the court.

If the petitioned court does not order the records expunged, the petition will be dismissed and the filing party may not file another petition for one year. A person may only be granted one expungement action per court and courts should maintain expungement records in a manner to prevent the granting of multiple expungement actions in their respective jurisdiction.

JIS Impact: Use ***New*** Case Types
X5 – CC Expunge Criminal Records
Y5 – AC Expunge Criminal Records

Use ***New*** Docket Code (as appropriate)
APECC – Pet to Expunge Conv Rec- Circ
APECA – Pet to Expunge Conv Rec- Assoc
to indicate a petition for expungement has been filed and to associate standard court costs and the $100 surcharge which is included in the ***New*** **DETC code 3436 – Expungment Surcharge**.

Form Impact: ***New*** Forms

CR360 Petition for Expungement of Arrest/Plea/Trial/Conviction(s)
CR365 Notice of Hearing on Expungement of Arrest/Plea/Trial/ Conviction(s)
CR370 Judgment and Order of Expungement of Arrest/Plea/Trial/ Conviction(s)

Note: The Petition form will be available under Court Forms on the Missouri Judiciary website. A list of offenses eligible for expungement will also be provided.

Note: The civil case will be set at security level 5. The underlying criminal action will be set at security level 9 (available for only the Circuit Clerk and their designee(s)).

*Will be found in *****NEW***** Court Clerk Handbook section **303.23, Expungement of Convictions**.*

Municipal

Municipal Courts Fine or Court Cost Collection

Section 67.136, RSMo; Senate Bill 628

Municipal courts may use collection agencies to collect court or administrative fines or costs associated with a finding of guilt for a criminal offense or an infraction, or entry of a civil judgment that is owed, enforceable, past due and remains uncollected.

Clerk Impact:

To obtain a debt collection contract follow local procurement procedures.

Will be found in the Municipal Court Clerk Handbook section 4.8, Debt Collection Program.

Municipal Ordinance Violations

Section 479.040, RSMo; Senate Bills 628 and 636

Currently, municipalities that make an election to have violations of their ordinances heard by an associate circuit court must have all violations of their ordinances heard by the court. **Municipalities may now elect to have only violations by an accused with special needs due to mental illness or mental disorder heard by the associate circuit or county municipal courts**. If the election is for an associate circuit court to handle the cases, the presiding judge of the circuit must consent to the election.

The associate circuit court or the county municipal court must have established specialized courts (i.e. mental health, domestic violence, family court, DWI housing court) and the court accepts the election by consent of the presiding judge or county contract.

The prosecutor must make a designation of special needs on the information.

The matter will be transferred back to the municipal court if the associate circuit court or county municipal court does not have established resources for handling the case or the court determines the accused does not have special needs.

Clerk Impact (Municipal):

Municipal courts that cannot accommodate special needs of a defendant may elect to transfer the case to the county ordinance court or associate circuit division if a specialized docket has been established for hearing these cases and the presiding judge has approved transferring these cases and the court has agreed.

Courts using JIS:

To indicate the case is being transferred pursuant to an agreement for processing special needs cases in treatment court:

1. **CDADOCT – Custom Docket Association Entry *(See Procedures: Docket Entry in GOLD)***

    1.1 Use the disposition docket code:

    * DCERT – Case Certified

To indicate the case was rejected for processing in treatment court and returned to the municipal court:

1. **CDACASU – Custom Case Information Update *(See Procedures: Creating a Subsequent Case in GOLD)***

    1.1 Use the same case type as the master case.

2. **CDADOCT – Custom Docket Association Entry *(See Procedures: Docket Entry in GOLD)***

    2.1 Use the docket code AREFI – Reopen from Mandate.

3. **CZASPAY – Custom Payment Entry *(See Procedures: Receipt a Bond with a Case and/or Receipting a Payment using the Automatic Tab in GOLD)***

    3.1 Receipt the bond and any other funds returned to the municipal court by the circuit court, if applicable.

4. Proceed with appropriate case processing as directed by the judge

Courts Without JIS:

To indicate the case is being transferred pursuant to an agreement for processing special needs cases in treatment court:

1. Note the date and type of disposition (case certified to treatment court) on the case record.

2 Make a copy of the case record and, if applicable file the copy with the disposed cases; some courts keep only a copy of the case record.

3. Forward the original case record to the accepting treatment court.

To indicate the case is rejected for processing in treatment court:

1. Date file stamp the order of remand received from the higher court. See section 100.02, Date File Stamp.

2. Make an entry on the record that the case was remanded from the higher court.

3. Proceed with appropriate case processing as directed by the judge.

Will be found in ******NEW****** *Municipal Court Clerk Handbook section* ***2.10, Municipal Cases Certified to Treatment Court****.*

Juvenile

Juvenile Jurisdiction

Section 211.031, RSMo; Senate Bills 636 and 628; House Bill 1171

Changes the age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation from a child up to 15 1/2 years of age to a child up to **15** years of age.

Clerk Impact:

Traffic violations for defendants who are **15 years of age and older** will be **filed in the associate or municipal division**.

Will be found in Court Clerk Handbook sections 222.01, Juvenile Court Procedures and 222.02, Violations of Law and Status Offenses.

County Specific

Greene and Cass County Associate Circuit Court Judges

Section 67.2010, RSMo; Senate Bill 628

Authorizes Greene County to have their associate circuit judges to hear and determine county traffic ordinance violations.

JIS Implications:	Use Case Type O7 – County Ordinance Traffic

Failing to Pay Bi-State Development Agency in the City of St. Louis and St. Louis County

Section 70.441, RSMo; Senate Bills 480 and 636; House Bill 1402

Persons convicted of failing to pay the fare for use of Bi-State Development Agency facilities and conveyances may be required to reimburse the reasonable costs attributable to the enforcement, investigation and prosecution of the offense to the agency. In addition to the unpaid fares or charges and fines, penalties or sentences, the person may be required to reimburse costs for enforcement, investigation and prosecution of the offense by the Bi-State Development Agency. **The court shall direct that the appropriate agency official be reimbursed.**

Clerk Impact:

See Costs page 13.

Table of Contents
Costs

Costs....2
Cost for Examining Electronics in Sexual Offense Cases....2
Section 488.5375, RSMo; Senate Bill 628....2
Expungement of Certain Criminal Records....2
Sections 488.650, 561.026 and 610.140, RSMo; House Bill 1647....2
Convalescent, Nursing and Boarding Homes Restitution....3
Section 570.145, RSMo; Senate Bill 689....3
Witness Mileage....5
Section 491.280, RSMo....5
Criminal Billings and Reimbursements, Department of Corrections (DOC)....6
Sections 221.070, 221.105, 550.020 and 550.140, RSMo....6
Inmate Security Fund....8
Section 488.5026, RSMo; Senate Bill 628; House Bill 1647....8
DNA Profiling Analysis Fund....9
Section 488.5050, RSMo; Senate Bill 789....9
FYI Statewide Court Automation Fund....9
Section 476.055, RSMo; Senate Bill 628 and 636; House Bill 1460....9
Municipal Excess Revenue / State Highway Fines....9
Section 302.341 and 302.010, RSMo; 12 CSR 10–44.100....9
New DETC and APDC Codes....11
County Specific....12
Greene and Cass County Associate Circuit Court Judges....12
Section 67.2010, RSMo; Senate Bill 628....12
Franklin County....12
Section 67.320, RSMo; House Bill 1171....12
Failing to Pay Bi-State Development Agency in the City of St. Louis and St. Louis County....13
Section 70.441, RSMo; Senate Bills 480 and 636; House Bill 1402....13
Municipal....14
Collection of Fines or Costs....14
Section 67.136, RSMo; Senate Bill 628....14
Administrative Adjudication System....14
Section 479.011, RSMo; Senate Bill 628....14
Municipal Excess Revenue/State Highway Fines....14
Section 302.341 and 302.010, RSMo; 12 CSR 10–44.100....14
New DETC and APDC Codes....15

Costs

Cost for Examining Electronics in Sexual Offense Cases

Section 488.5375, RSMo; Senate Bill 628

Allows courts to order a defendant, upon a plea of guilty or a finding of guilt for a felony sexual offense, to reimburse the state or local law enforcement agency for the reasonable costs incurred in the examination of certain seized electronic devices.

The costs will be established by each law enforcement agency, but the court may order the costs reduced if the court determines that the costs are excessive.

Clerk Impact:	Assess the approved costs billed to the case. The amount collected should be disbursed at least monthly to the appropriate law enforcement agency.
JIS Impact:	Use the appropriate fee DETC code depending on the Law Enforcement Agency: 3042 – Law Enforcement Arrest – MSP 3044 – Law Enf Arrest – Local (County) 3540–3549 – Law Enf Arrest Muni A thru J (for the various municipalities) **CBAACCD – Custom Case/Party Account Detail** Use the appropriate Payee ID code for the applicable agency.
Will be found in Court Clerk Handbook section 802.02, Specific Criminal Costs.	

Expungement of Certain Criminal Records

Sections 488.650, 561.026 and 610.140, RSMo; House Bill 1647

A person is allowed to apply for the expungement of certain criminal records after 10 years have elapsed for a specified misdemeanor and 20 years have elapsed for a specified felony. A list of requirements and eligible offenses that apply to this section is included in the **Criminal – Expungement** update. The clerk of the court is required to assess court costs and a $100 expungement surcharge upon receiving a petition for expungement of the listed offenses. Moneys collected for the expungement surcharge are payable to the state General Revenue Fund.

Note: The expungement surcharge **should not** be assessed on expungements of arrest records or expungements of alcohol related driving records.

Clerk Impact:	Assess court costs plus a $100 surcharge on petitions for expungement filed for these specific types of criminal records. See the list of eligible offenses in the Court Clerk Handbook section 303.23, Expungement of Convictions.
JIS Impact:	**New DETC code 3436** – **Expungement of Conv Surcharge** **Court costs plus a $100 expungement surcharge will automatically attach when the case is initiated and the APECC – Pet to Expunge Conv Rec- Circ or APECA – Pet to Expunge Conv Rec- Assoc is associated to the case. The surcharge will be disbursed with the Clerk – State fees at the end of the month.**
Will be found in Court Clerk Handbook section 801.02, Specific Civil Costs.	

Convalescent, Nursing and Boarding Homes Restitution

Section 570.145, RSMo; Senate Bill 689

If a person admits to or is found guilty of failing to remit money owed to a facility licensed under chapter 198, RSMo (convalescent, nursing and boarding homes), **the court can order the offender to make restitution to the facility** as a condition of sentence and/or probation. **Any order** or agreement for restitution **must allow the prosecuting attorney to receive 10%** of each payment toward the restitution as reimbursement for the cost of enforcement.

Clerk Impact:	The Judge must order the amount to be paid as restitution and must allow the prosecuting attorney to receive 10% of each payment towards the restitution ordered.
JIS Impact:	Use DETC code **3438 – Care Facility Restitution** to assess the total restitution ordered. **CBAACCD – Custom Case/party Account Detail**

Since 10% of the amount **collected** is to be paid to the prosecuting attorney a Payee ID **should not** be associated to the **Care Facility Restitution** fee on **CBAACCD**. Payments applied to the Care Facility Restitution will be allocated 10% to a **3440 Prosecuting Attorney Service Fee** general ledger account, and 90% to the **3438 - Care Facility Restitution** account automatically by JIS.

For the court to disburse the **Care Facility Restitution** to the respective facility, a manual payable will have to be created in JIS using the APDC code **4438** - **Care Facility Restitution.**
CAAPYOL – Custom Payable On-Line Entry

The court will need to contact the OSCA Help Desk to have the prosecuting attorney's respective Payee ID added to the system for the end of month payable process to create the **4440 – Prosecuting Attorney Service** fee payable automatically.

Procedures: When the judge orders Care Facility Restitution perform the following procedures to assess and pay out the restitution.

Procedures: Assessing Care Facility Restitution

1. *Access the **Custom Case/Party Account Detail (CBAACCD)** form by entering **CBAACCD** in the **Direct Access** field.*

2. *Enter the applicable Case ID in the **Case ID** field.*

3. *Enter the Party ID of the party the restitution was assessed against in the **Party ID** field.*

4. *Press **Ctrl+Page Down** Or select the **Next Block** icon.*

5. *Insert a blank record by pressing the **F6** key OR moving to a blank record.*

6. *Tab to the Detail field and enter **3438 - Care Facility Restitution** OR select the **Detail** LOV and locate the appropriate detail code.*

7. *Move to the **Amount** field by pressing the **Enter** key or the **Tab** key.*

8. *Enter the amount of the restitution awarded in the **Amount** field.*

***Note: Do not** enter a Payee ID in the Payee field. Since each amount applied to the restitution has to be split 90/10 the Payee ID field cannot be used to automatically create the payable(s) to the facility that was awarded the restitution.*

9. *Save the information.*

10. *Verify the Party ID of the person responsible for paying the restitution is entered in the **Party ID** field.*

11. *Exit **Case/Party Account Detail (CBAACCD)** by selecting the **Exit icon.***

As receipts are applied to the **3438 - Care Facility Restitution** the system will allocate 90% to the restitution and 10% to the Prosecuting Attorney Service Fee. The **3440 - Prosecuting Attorney Service** fee can be set up to automatically payout at month end using the CZPEOMP payable process. However, the payables for the Care Facility Restitution will need to be set up in JIS manually using the Payable On-Line form (CAAPYOL).

Procedures: Setting-up a Care Facility Restitution Payable and Printing the Check to the facility

*Access the **Payable On-Line (CAAPYOL)** form to create a payable for the amount applied to the Care Facility Restitution. Use the payable code 4438 to create the payable. For more information on creating the payable, see Procedures: Creating a Payable and Printing a Check.*

Witness Mileage

Section 491.280, RSMo

The in-state mileage allowance for witness fees as provided in section 33.095, RSMo remains the same at **37 cents for FY 2013.** The out-of-state witness mileage did not change, and remains at 10 cents per mile.

Clerk Impact:	Witness mileage is calculated and assessed as **37 cents per mile** for in-state witnesses. Continue to use fee DETC code **3087 – Witness Mileage** **CBAACCD – Custom Case/Party Account Detail.**

Will be found in Court Clerk Handbook section 803.02, Miscellaneous Costs, and Probate Clerk Handbook section 800.02, Specific Probate Court Costs.

Criminal Billings and Reimbursements, Department of Corrections (DOC)

Sections 221.070, 221.105, 550.020 and 550.140, RSMo

The criminal cost reimbursement rate for jail board remains the same for **FY 2013** at **$19.58.** For jail board incarceration dates from July 1, 2012 through June 30, 2013, the court will request reimbursement from the state at the rate of $19.58 per day.

The Department of Corrections will pay prior year rates for any jail incarceration days before July 1, 2012. The reimbursement rate is as follows:

- July 2011-June 2012: $19.58
- July 2010-June 2011: $19.58
- July 2009-June 2010: $22.00
- July 2008-June 2009: $22.00
- July 2007-June 2008: $21.25
- July 2006-June 2007: $20.00
- July 2005-June 2006: $20.00
- July 2004-June 2005: $20.00

It is possible to have several different billing rates on the same invoice since the statutes allow up to two years from the conviction date, sentence date, or probation violation date for filing a claim with the state whichever is later. If you have any questions, please call Jerry Robinett at (573) 751-3250.

The amount collected from the defendant for state criminal costs reimbursements should be disbursed at least monthly to the Department of Corrections and mailed to:

Missouri Department of Corrections
C/O Fiscal Unit
2729 Plaza Drive
Jefferson City, MO 65109

If you have any additional questions, please contact the OSCA Help Desk at 1-888-541-4894 and request to talk to the OSCA CPAs.

Clerk Impact:	The criminal cost reimbursement rate for jail board bill for **FY 2013 is $19.58.** Use the Bill of Costs (CR 255) form, which is to be sent to the state.
JIS Impact:	Continue to use the fee DETC code **3164 – Criminal Costs–State Reimb** and fee DETC code **3014 – Board Bill–Due to State.** **CBAACCD – Custom Case/Party Account Detail.** Use the Payee ID **DOC–REIMB**.

Will be found in Court Clerk Handbook section 802.02, Specific Criminal Costs.

Inmate Security Fund

Section 488.5026, RSMo; Senate Bill 628; House Bill 1647

The name of the Inmate Security Fund was changed to the Inmate **Prisoner Detainee** Security Fund. The payee for the disbursements to the county for this fund has not changed for the courts.

Modifies use of the funds to include **acquisition** and development of biometric verification systems and the purchase of **information sharing** equipment to allow inmates, **detainees or prisoners in a shorter term detention facility to be identified upon booking and tracked within certain law enforcement or criminal justice systems.** Upon installation of the **information sharing** or biometric verification system, funds in the inmate **prisoner detainee** security fund may also be used for the maintenance, **repair, and replacement of the information sharing** or biometric verification system, and also to pay for any expenses related to **detention**, custody, and housing and other expenses for **inmates**, prisoners, and **detainees**.

Clerk Impact:

This surcharge is not a new cost. The statute was modified to **change the name of the fund and expand the use of the fund.** Continue assessing the $2.00 surcharge on all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including infractions. No surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality.

The amount collected should be disbursed at least monthly to the County Treasurer.

JIS Impact: The fee (DETC) code 3194 and payable (APDC) code 4194 have not changed. The JIS Payee ID will remain the same but the DETC Code and payable (APDC) code descriptions have been changed to **Inmate Pris Detainee Security**.

Will be found in Court Clerk Handbook section 802.02, Specific Criminal Costs.

DNA Profiling Analysis Fund

Section 488.5050, RSMo; Senate Bill 789

Extends the "DNA Profiling Analysis Fund" expiration date to August 28, 2019.

The $15 surcharge will be assessed as cost in each court proceeding filed in all criminal cases except for traffic violation cases where the defendant is **found guilty** of a misdemeanor. The section removed the reference to "when the defendant pleads guilty or nolo contendere to or is convicted of a crime."

In addition, this act repeals a provision that redirects the funds to the state's general revenue if such revenue did not increase by 2% or more from the previous fiscal year.

FYI Statewide Court Automation Fund

Section 476.055, RSMo; Senate Bill 628 and 636; House Bill 1460

Extends the expiration date of the Statewide Court Automation Fund from September 1, 2013 to **September 1, 2018**. Any money left in the fund after that date will be transferred to general revenue. The court automation committee shall complete its duties by 2020.

Municipal Excess Revenue / State Highway Fines

Section 302.341 and 302.010, RSMo; 12 CSR 10–44.100

No changes were made to the sections noted above however the Office of State Courts Administrator (OSCA) has added new DETC codes **3570 – Fine Hwy Muni – Due Muni A** thru DETC code **3579 – Fine Hwy Muni – Due Muni J** that should be used by the circuit courts processing municipal tickets when a fine is assessed and the violation occurred on a "state highway".

Section 302.341, RSMo requires any city, town or village that receives more than 35% of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways to pay the excess revenue to the state. "State highway" has been defined as "any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number."

While the courts are not required to determine if funds need to be turned over to the state there needs to be a way to inform the municipalities of how much fine money is related to traffic violations that occurred on state highways versus fines

for other ordinance violations and traffic violations that occurred on other city streets.

Circuit courts that hear cases for municipalities should already have specific DETC codes assigned to each municipality with each municipality having an assigned letter A thru J. DETC codes 3500 – 3569 were developed to assist the circuit courts in assessing court costs for each municipal. In order to distinguish the violations on state highways OSCA has added DETC codes 3570 – Fine Hwy Muni – Due Muni A thru DETC code 3579 – Fine Hwy Muni – Due Muni J.

Clerk Impact:

When assessing a fine to a case heard for a municipal and the violation was a traffic violation on a "state highway" use the applicable **Fine Hwy Muni – Due Muni DETC code.**

The amount collected should be disbursed a least monthly to the municipality.

JIS Impact: The fee (DETC) codes 3570 thru 3579 and payable (APDC) codes 4570 thru 4579 have been added in JIS.

The court will need to contact the OSCA Help Desk to have the respective municipal Payee ID's added for the end of month payable process to create the payables automatically.

New DETC and APDC Codes

Description	DETC (Fee) Code	APDC (Accounts Payable) Code
New DETC & APDC Codes		
Expungement Surcharge	3436	4202
Care Facility Restitution *	3438	4438
PA Service Fee *	N/A	4440
Fine Hwy Muni – Due Muni A thru Muni J *	3570 thru 3579	4570 thru 4579

* If the court wants this account to be set up as automatic end of month (EOM) payables, contact OSCA CPA's with the appropriate Payee ID.

Note: The Care Facility Restitution can only be set up as an automatic end of month (EOM) payable if it is going to be paid by the court to the prosecuting attorney to be distributed to the applicable facility.

Cost Cards

Cost Cards are located on MCIC under Legislation, Legislative Update 2012, Costs Procedures, 2012 Cost Cards.

County Specific

Greene and Cass County Associate Circuit Court Judges

Section 67.2010, RSMo; Senate Bill 628

In addition to Cass County, this provision extends authority to associate circuit judges in Greene County to hear any county ordinance violation adopted pursuant to statute.

Clerk Impact:	Contact OSCA prior to the associate circuit judges hearing any county ordinance violations.
JIS Impact:	Contact OSCA CPAs regarding court costs and county ordinance fine setup.

Franklin County

Section 67.320, RSMo; House Bill 1171

In addition to Jefferson County, this provision authorizes Franklin County to prosecute and punish violations of their county orders in the circuit court or in a county municipal court if the creation of a county municipal court is approved by an order of the county commission. The Franklin County Commission must appoint the first judges for the county municipal court for a term of four years, and thereafter the judges must be elected for a term of four years. The commission must establish by order the number of judges to be appointed and the qualifications for their appointment.

Clerk Impact:	If the county establishes a county municipal court, and wants to evaluate the possibility of using the state court automation system, contact the OSCA Support Staff regarding implementing JIS.
Other Impact:	**County ordinance fines are remitted to the County Treasurer to be deposited in the County General Revenue Fund.**

Failing to Pay Bi-State Development Agency in the City of St. Louis and St. Louis County

Section 70.441, RSMo; Senate Bills 480 and 636; House Bill 1402
Persons convicted of failing to pay the fare for use of Bi-State Development Agency facilities and conveyances may be required to reimburse the reasonable costs attributable to the enforcement, investigation and prosecution of the offense to the agency. In addition to the unpaid fares or charges and fines, penalties or sentences, the person may be required to reimburse costs for enforcement, investigation and prosecution of the offense by the Bi-State Development Agency. **The court shall direct that the appropriate agency official be reimbursed.**

Clerk Impact:	Assess the approved costs billed to the case. The amount collected should be disbursed at least monthly to the Bi-State Development Agency.
JIS Impact:	Use the appropriate fee DETC code. **3198 – Restitution Due Political Sub** **CBAACCD – Custom Case/Party Account Detail** Use the appropriate Payee ID code for the applicable agency.

Municipal

Collection of Fines or Costs

Section 67.136, RSMo; Senate Bill 628

This provision authorizes cities and counties that have established municipal courts to utilize collection agencies to collect unpaid and past due court fines, administrative fines, or costs associated with a finding of guilt for a criminal offense or infraction or entry of a civil judgment.

Section 488.5030, RSMo limits the amount that can be assessed to the case for collection efforts to 20% of the amount collected.

Administrative Adjudication System

Section 479.011, RSMo; Senate Bill 628

Springfield will be allowed to establish an administrative adjudication system. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536, RSMo shall be a debt due and owing the city, and may be collected in accordance with applicable law.

Municipal Excess Revenue/State Highway Fines

Section 302.341 and 302.010, RSMo; 12 CSR 10–44.100

No changes were made to the sections noted above however OSCA has added a **new DETC** code **5041 Fine Highway** to be used by the JIS municipal courts when a fine is assessed and the violation occurred on a “state highway”.

Section 302.341, RSMo requires any city, town or village that receives more than 35% of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways to pay the excess revenue to the state. “State highway” has been defined as “any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.”

While the courts are not required to determine if funds need to be turned over to the state there needs to be a way to inform the municipality of how much money

is related to traffic violations that occurred on state highways versus for other ordinance violations and traffic violations that occurred on other city streets.

Clerk Impact:

JIS Courts

When assessing a fine for a traffic violation on a "state highway" use the **new Fine Highway DETC code 5041.**

Note: The municipality will need to estimate the amount collected for court costs (clerk fee) and add that amount to the "highway fines" collected to complete their annual analysis.

None JIS Courts

None JIS courts need to be able to provide the municipality information to identify the amount of fine money collected for traffic violations on "state highways".

The amount collected should be disbursed a least monthly to the municipality.

JIS Impact: The fee (DETC) code 5041 and payable (APDC) codes 6041 have been added in JIS.

New DETC and APDC Codes
JIS Municipal Courts

Description	DETC (Fee) Code	APDC (Accounts Payable) Code
New DETC & APDC Codes		
Fine Highway	5041	6041

Cost Cards

Cost Cards are located on MCIC under Legislation, Legislative Update 2012, Costs Procedures, 2012 Cost Cards.

2012 Summary of Supreme Court Rule Changes

Below is a summary of relevant amendments to the Supreme Court Rules, which the Supreme Court issued by Order from August 2011 through July 2012. Direct quotes from the rules are shown in **bold**.

A copy of the orders may be found at http://www.courts.mo.gov, click on Quick Links – Court Rules, click on Orders/Rules.

Code of Judicial Conduct

Rule 4 – Rules of Professional Conduct
Effective July 1, 2012

- Rule 4-8.4 makes an exception to the rule on attorney misconduct for attorneys working for a criminal law enforcement agency, regulatory agency, or state attorney general in an authorized undercover investigation.

Rule 5 – Complaints and Proceedings Thereon
Effective January 1, 2013

- Subsection 5.16 (d) states that "**The recommended discipline may be a public reprimand, probation, suspension or disbarment.**
  - **(1) The recommendation of a reprimand may include additional requirements to improve the lawyer's practice.**
  - (2) **The recommendation of a suspension shall be fore an indefinite period but may include a period of not less than six months and not more than 3 years during which the respondent cannot apply for reinstatement. The recommendation for suspension may provide that the suspension be stayed and that the respondent be placed on probation**."
- Subsection 5.19(h) added the following costs for a disciplinary hearing panel:
  - Reprimand with requirements: $1,000.00
  - Probation: $1,500.00
- Subsection 5.225 was revised to add eligibility, conditions and procedures regarding an attorney's reprimand with requirements.

Effective July 1, 2012

- Subsection 5.31 was revised and expanded what information will be available to the public in attorney discipline actions. The following are considered public, unless subject to a specific protective order:
  - On the filing with the Supreme Court's advisory committee an information by the chief disciplinary counsel and answer or other responsive pleading by the attorney, all materials filed in connection with the information as well as all related proceedings;
  - Written admonitions;

- If a disciplinary action against an attorney is dismissed by the Supreme Court or the hearing panel (with the acceptance of the chief disciplinary counsel) then the attorney may request the records of the information be confidential.

Rule 18 – Municipal Judge Continuing Education Requirements and NonLawyer Certification
Effective January 1, 2012

- Revised 18.05 so the number of judicial ethics hours required increased to "**at least two credit hours"** of ethics instruction, programs or activities every year instead of the previous requirement of three hours every three years.

Supreme Court Rules of Criminal Procedure

Missouri Bar and Judiciary

Rule 6.01 – Annual Enrollment Fee and Statement
Effective January 1, 2012

- Clarified the fee chart in subparagraph (l) by inserting the current fees for enrollment for attorneys (all fees increased by $80.00).

Ordinance Violations and Violation Bureaus

Rule 38 – Certain Statutory Violations and Violation Bureaus
Effective January 1, 2012

- Subsections 1 and 5(k), deleted references to Section 210.104 RSMo, regarding seat belt requirements for children, which was repealed.

Supreme Court Rules of Civil Procedure

Civil Procedure Form No. 14 and Directions for Completion, Comments for Use and Assumptions
Effective January 1, 2012

- Revised the overnight visitation credit delineated in Line 11 of the support calculation form.

Rule 43.01 – Service of Pleadings and Other Papers
Effective July 1, 2012

- Deleted the consent requirement to receiving service by electronic mail to attorneys and parties with an email address.

Rule 62.01 – Pre-Trail Procedure; Formulating Issues
Effective January 1, 2013

- Added the following reasons a court or party may request a case management conference to consider:

    - The sequence and timing of any discovery;
    - The time for disclosure of experts;
    - When documents prepared, reviewed, or received by a retained expert must be disclosed; and
    - Whether and to what extent any retained expert must disclose prior deposition or trial testimony or expert reports prepared under either Rule 26(a)(2)(B) of the F.R. C.P. or any equivalent state rule.
- Deleted the following information from what the case management conference order should include:
    - "the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel..."

Rule 81 – Appeals
Effective January 1, 2013

- New subdivision 81.005 – Electronic Filing in Appellate Courts states the following;
  "This Court and the court of appeals require most documents to be electronically filed. Rule 103 and Court Operating Rule 27 govern the electronic filing of documents and apply if there is a conflict with any other rule. When filing a document in an appellate court, Rule 103 and Court Operating Rule 27 should be reviewed as well as the local rules of the court in which the document is to be filed."
- Subdivisions 81.14 and 81.18, which outline the requirements for the legal file and transcripts, are reorganized; however, they do not contain any new requirements other than they shall conform to Rule 84.06 (e) to (f) regarding a typewritten brief and color coding of filings.

Rule 84 – Procedure in All Appellate Courts
Effective January 1, 2012

- Subsection 84.04, subparagraphs (c), (e), (i) and (j) were consolidated into subparagraphs (c), (e) and (i). No new information or requirements were created.

Effective July 1, 2012

- Subsection 84.13(a), limited the exceptions that are appealable without preservation of the error to only questions of jurisdiction of the trial court over the subject matter. Deleted from this section questions as to the sufficiency of pleadings to state a claim upon which relief can be granted or a legal defense to a claim.

Supreme Court Rules of Practice and Procedure in Juvenile Court

Order (August 29, 2011) – Standards with Comments for Guardians Ad Litem
Effective September 1, 2011

- **Standard 1.0 – Appointment of Guardians as Litem: When appointing a GAL for a child, the court shall only appoint a lawyer licensed by the Supreme Court who has completed the training required by these standards.**
- **Standard 2.0 – Caseloads: A GAL has a duty to notify the court if the caseload reaches a level bearing upon the GAL's ability to meet the standards or to comply with the ethical standards of the rules of professional conduct.**
- **Standard 3.0 – Independent Judgment of Guardian ad Litem: A GAL shall be guided by the best interest of the child and shall exercise independent judgment on behalf of the child in all matters.**
- **Standard 4.0 – General Duties and Responsibilities: The GAL shall provide not only factual information to the court but also shall diligently advocate a position in the best interests of the child. The GAL shall be prepared to participate fully in any proceedings and not merely defer to the other parties. The GAL may examine, cross-examine, subpoena witnesses, and offer testimony. The GAL when appropriate to represent the best interests of the child shall file petitions, motions, parenting plans, responses, or objections. The court shall assure the GAL maintains independent representation of the best interests of the child. The court shall require the GAL to perform the GAL duties faithfully and, upon failure to do so, shall discharge the GAL and appoint another.**
- **Standard 5.0 – Access Between Guardian ad Litem and Child: The GAL and the child shall have access to each other at reasonable times and places, and this access shall not be restricted or limited by any agency or person without good cause. To ensure proper access, the GAL has the obligation to ascertain the location of the child, to initiate communication with the child, and to provide the child with contact information for the GAL promptly. The child's legal custodian shall provide the GAL with timely information regarding the current residence of the child and shall notify the GAL promptly of any change in placement of the child.**
- **Standard 6.0 – Guardian ad Litem Access to Reports and Records: The GAL is entitled to all reports relevant to the case and shall have access to all relevant records relating to the child, the placement of the child, or the child's family members.**
- **Standard 7.0 – Confidentiality and Privilege: A GAL shall comply with all statutes, rules, and regulations relating to the receipt of confidential or privileged information received as GAL. A GAL shall not redisclose any confidential or privileged information without valid court order or as required by law except as permitted by Rule 4-1.6.**
- **Standard 8.0 – Profess of the Case through the Court Process: The GAL shall review the progress of a child's case through the court process and advocate for timely hearings, provision of necessary services, and compliance with court orders.**
- **Standard 9.0 – Relating the Court Process to the Child: The GAL shall explain, when appropriate, the court process and the role of the GAL to the**

child. The GAL shall ensure that the child is informed of the purpose of each court proceeding.

- **Standard 10.0 – Participation in Case-Related Activities: The GAL shall participate, when appropriate, in the development and negotiation of any service plans, parenting plans, proposed orders, and staffings that affect the best interests of the child as they relate to the case at hand. The GAL shall monitor implementation of service plans and court orders while the case is pending to determine whether services ordered by the court are being provided in a timely manner.**
- **Standard 11.0 – Participation in Court Proceedings: The GAL shall appear at all court proceedings in which the GAL is appointed. The GAL shall not waive the presence of the child at court proceedings without good cause. The GAL shall participate actively and fully in all court proceedings. The GAL shall present evidence, file pleadings, and call witnesses when appropriate to ensure all information relevant to the child's best interests is presented to the court for consideration.**
- **Standard 12.0 – Protecting the Child as Witness: The GAL in a pending case shall protect the interests of the child who is a witness in any judicial proceeding in which the GAL has been appointed. In matters for which the GAL is appointed, the GAL shall be present during any conferences between the counsel for a party and the child. The GAL should be notified of all proceedings or meetings involving the child.**
- **Standard 13.0 – Recommendations to the Court: The GAL shall present a recommendation to the court when authorized by law or requested by the court on the basis of the evidence presented and consistent with the best interests of the child. During the proceedings, the GAL must inform the court of the child's wishes and preferences even though different from the GAL's recommendation.**
- **Standard 14.0 – Training: The court shall not appoint a lawyer to serve as GAL until the lawyer has completed 8 hours of continuing legal education devoted to GAL training. Thereafter, to continue to be appointed as a GAL, a lawyer shall complete 3 hours of continuing legal education devoted to GAL training annually. The hours required for GAL training qualify toward the mandatory annual 15 hours of continuing legal education. The program sponsor shall obtain approval of the program for continuing legal education from The Missouri Bar. Any continuing legal education required by this standard shall not be completed by self study. In addition, the program sponsor shall obtain approval of the program as GAL training from the presiding judge in a circuit where the training is offered. Completion of the training hours shall be documented by an affidavit or other evidence filed with the appointing court by July 31st of each year. Any lawyer who has completed at least 6 hours of GAL training within 5 years prior to the date of the adoption of these standards shall not be required to complete the initial 8 hour course of study. Any lawyer currently approved by the court to serve as a GAL who has not completed any GAL training with 5 years prior to the date of the adoption of these**

standards shall have 1 year from the date of the adoption of these standards to complete the initial 8 hours of training. The judge appointing the GAL shall determine whether the lawyer has completed the required training prior to making any appointment. Prior to appointment, the lawyer must have completed a training program in permanency planning.

Court Operating Rules

Rule 2 – Public Access to Records of the Judicial Department
Effective July 1, 2012

- In subdivision 2.01, added that access to records may be governed by court rule as well as law and court order.
- In subdivision 2.04,
  - added to subparagraph (c)'s exceptions to remote accessibility of final civil judgments "**domestic relations proceedings including, but not limited to, dissolution proceedings, paternity proceedings, and modifications thereof..."**
  - added that "the remote accessibility of the material provided by this COR 2.04(c) shall not occur if it is contrary to an order in a particular case, a statute, or a court rule."
- In subdivision 2.05,
  - changed subparagraph (a)'s wording from "court personnel shall not expunge or redact" SSN's to "court personnel are not required to expunge or redact" SSN's;
  - added to subparagraph (c) **that "Pursuant to local court rule or order, the clerk may:**
    1) **Redact personal information from the public copy of the court record, or**
    2) **Raise the security level of the document in the case management system if the document cannot be adequately redacted to protect personal information."**

Miscellaneous Orders

Order dated February 28, 2012 – Forms for use by self-represented parties in certain proceedings
Effective July 1, 2012

- New and revised forms were approved for use beginning July 1, 2012. They are:
  - Petition for Change of Name
  - Change of Name Judgment
  - Petition for Dissolution of Marriage
  - Respondent's Answer to Petitioner's Petition for Dissolution of Marriage
  - Income and Expense Statement
  - Property and Debt Statement and Proposed Separation Agreement

- Judgment of Dissolution of Marriage
- Presumed Father's Petition for Declaration of Non-Paternity
- Judgment of Non-Paternity
- Notice of Change of Address
- Request for Personal Service
- Request for Service by Publication.

These forms can be found on the Representing Yourself website, www.selfrepresent.mo.gov.

Order dated April 2, 2012 – Missouri Approved Jury Instruction forms
Effective January 1, 2013

- New and revised forms of Jury Instruction, Notes on Use, and Committee comments for Missouri Approved Jury Instructions (MAI) are approved and must be used on or after January 1, 2013 and may be used prior to that date. Please contact the Missouri Supreme Court's Publications Unit (573-751-4696) for a copy of said instructions.

Security Changes to JIS

Case security changes:

Active registered eFiling attorneys of records will be given access to their level 1 through 5 cases which include confidential cases. Currently, level 5 cases have confidential documents that courts prefer the attorney not have access to. Because it's hard to determine what documents fall in this category, OSCA will be changing the case security for cases that are levels 5 and above.

The table below includes the **new** case security levels. If "no change" is listed, the case security will be the same as it is today. The changes start with security level 5.

Case Security Level	Who has Access	Examples
1	Public	**No change.**
2	May be opened to the public under certain circumstances	Disposed Paternity case with Judgment. Only the case header, parties and judgment appear on Case.net. Also, Municipal cases are set to Level 2 and are viewable on Case.net. **No change.**
3	Confidential; open to court staff and attorneys of record registered for eFiling	Dismissed Criminal cases. Criminal Cases with successful SIS completion. **No change.**
4	Confidential; open to select court personnel and attorneys of record registered for eFiling	Juvenile, Mental Health, Treatment Court and Confidential Appeals.
5	Select court personnel and attorneys of record registered for eFiling	Sealed Cases, Civil Expungement case types: XG – CC Expunge/Correct Arrest Rec & YG – AC Expunge/Correct Arrest Rec with OEXRE – Order for Expungement.
6	Select Court Staff	Confidential Sealed Cases, Grand Jury Indictments – before the warrant is served.
7	Reserved for Future Use.	Reserved for Future Use
8	OSCA Staff, Circuit Clerk and designee	Cases Entered in Error - unable to be deleted
9	OSCA Staff, Circuit Clerk and designee	Expunged Criminal cases

Current case types and docket code security changes:

Trial Court Databases only	Current Security	Updated Security	Notes
All Cases with current security	9	8	
NX – Entered in Error (OSCA Only)	9	8	
DNU – Do Not Use	9	8	
XG – CC Expunge/Correct Arrest Rec & YG – AC Expunge/Correct Arrest Rec	Varies	5	Civil cases will be set to a security level 5. The criminal case will be manually set to a security level 9.
OEXRE – Order for Expungement	Varies	5	Civil expungement cases containing this docket code will be set to a security level 5. The criminal case will be manually set to a security level 9.
OCLER – Order to Close LE Records	Varies	5	Civil expungement cases containing this docket code will be set to a security level 5. The criminal case will be manually set to a security level 9.
Cases with a sealed indicator and Expu% (upper/lower case) in the reason field	Varies	9	Wild card % necessary to capture all variations of expunge, expunged or expungement
Cases with the word "Expu%" or '%Error%'	Varies	9	Wild card % necessary to capture all variations of expunge, expunged or expungement
OSEAL – Order to Seal Casefile or sealed indicator	Varies	6 - conversion 5 - default	For this conversion, OSEAL cases will be set at a level 6, and can be lowered if judge/clerk allows access. From the date of conversion forward, the system will security level default will be a level 5. The security may be raised upon judges/clerks discretion.