



THE MISSOURI BAR

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DATE: March 31, 2009
TO: Representative Jeff Roorda
FROM: The Missouri Bar
RE: House Bill 453

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

House Bill 453 would authorize a \$5 surcharge to fund the Corrections Officer Training Fund, and requires corrections officers and jailers to receive at least 36 hours of training every three years.

The Missouri Bar Board of Governors has adopted the following resolution relating to court costs:

The Missouri Bar Board of Governors generally opposes legislation which would increase court costs to fund projects and activities not directly related to the judicial system. This position is based on a belief that the practice of utilizing court costs for purposes unrelated to supporting and improving the court system will unduly restrict access of ordinary citizens to the state's courts to resolve legitimate disputes. The Missouri Bar recognizes that decisions about this issue should be made on a case by case basis. Instances may arise where an increase in court costs for a specific purpose is reasonable and appropriate.

Examples of activities and projects which the board of governors has in the past determined should not be funded by an increase in court costs have included: Drug Abuse Resistance Education; shelters for victims of domestic violence; restoration and upkeep of court buildings; and general revenue of the state.

The Missouri Bar Board of Governors has supported proposed increases in court costs to fund court automation, judicial education and training, and reforms to streamline and improve the working of the court system.

Adopted by The Missouri Bar Board of Governors on September 30, 1992

While acknowledging the critical need for adequate training of corrections officers, pursuant to the above policy the Executive Committee opposes use of a court surcharge for this purpose. Proliferation of court costs is becoming a barrier to access to justice, and a particular burden upon lower-income individuals.

Thank you for considering this position.