

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 165 & 196, Page 2, Section 49.057, Line
2 13, by inserting after all of said line the following:

3
4 "49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this
5 section, the county commission in each county in this state shall erect and maintain at the
6 established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for
7 the preservation of the records of the county; except that in counties having a special charter, the jail
8 or workhouse may be located at any place within the county. In pursuance of the authority herein
9 delegated to the county commission, the county commission may acquire a site, construct,
10 reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein
11 more than one place is provided by law for holding of court, the county commission may buy and
12 equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and
13 may remodel, repair, maintain and equip buildings in both places. The county commission may
14 issue bonds as provided by the general law covering the issuance of bonds by counties for the
15 purposes set forth in this section. In bond elections for these purposes in counties wherein more
16 than one place is provided by law for holding of court, a separate ballot question may be submitted
17 covering proposed expenditures in each separate site described therein, or a single ballot question
18 may be submitted covering proposed expenditures at more than one site, if the amount of the
19 proposed expenditures at each of the sites is specifically set out therein.

20 2. The county commission in all counties of the fourth classification and any county of the
21 third, second, or first classification may provide for the erection and maintenance of a good and
22 sufficient jail or holding cell facility at a site in the county other than at the established seat of
23 justice.

24 3. In the absence of a local agreement otherwise, for any courthouse that contains both
25 county offices and court facilities, the presiding judge of the circuit may establish rules and
26 procedures for court facilities and areas necessary for court-related ingress, court-related egress and
27 other reasonable court-related usage, but the county commission shall have authority over all other
28 areas of the courthouse.

29 476.083. 1. In addition to any appointments made pursuant to section 485.010, the
30 presiding judge of each circuit containing one or more facilities operated by the department of
31 corrections with an average total inmate population in all such facilities in the circuit over the
32 previous two years of more than two thousand five hundred inmates or containing, as of January 1,
33 2016, a diagnostic and reception center operated by the department of corrections and a mental
34 health facility operated by the department of mental health which houses persons found not guilty of
35 a crime by reason of mental disease or defect under chapter 552 and provides sex offender
36 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the

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1 presiding judge in the administration of the judicial business of the circuit by overseeing the
2 physical security of ~~[the courthouse,]~~ court facilities, including courtrooms, jury rooms, and
3 chambers or offices of the court; serving court-generated papers and orders^[7] ; and assisting the
4 judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal
5 appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge.
6 The circuit court marshal authorized by this section is in addition to staff support from the circuit
7 clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which
8 may otherwise be provided by law.

9 2. The salary of a circuit court marshal shall be established by the presiding judge of the
10 circuit within funds made available for that purpose, but such salary shall not exceed ninety percent
11 of the salary of the highest paid sheriff serving a county wholly or partially within that circuit.
12 Personnel authorized by this section shall be paid from state funds or federal grant moneys which
13 are available for that purpose and not from county funds.

14 3. Any person appointed as a circuit court marshal pursuant to this section shall have at least
15 five years' prior experience as a law enforcement officer. In addition, any such person shall within
16 one year after appointment, or as soon as practicable, attend a court security school or training
17 program operated by the United States Marshal Service. In addition to all other powers and duties
18 prescribed in this section, a circuit court marshal may:

- 19 (1) Serve process;
20 (2) Wear a concealable firearm; and
21 (3) Make an arrest based upon local court rules and state law, and as directed by the
22 presiding judge of the circuit."; and
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.