

**IN THE SIXTEENTH JUDICIAL CIRCUIT COURT**

**IN RE: UNCONSTITUTIONALITY OF SURCHARGE FOR MISSOURI SHERIFFS'  
RETIREMENT SYSTEM**

**ADMINISTRATIVE ORDER NO. 2021-096**

**ORDER**

**WHEREAS**, as a requirement for filing a civil action, § 57.955 RSMo required court clerks to collect of a \$3 surcharge for the Missouri Sheriffs' Retirement System (MSRS); and

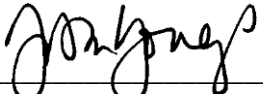
**WHEREAS**, in *Fowler v. Missouri Sheriff's Retirement System* (SC98484), the Missouri Supreme Court held that the collection of the \$3 surcharge violates article I, § 14 of the Missouri Constitution; and

**WHEREAS**, on June 29, 2021, the Missouri Supreme Court issued an Order approving the removal of the Missouri Sheriffs' Retirement System surcharge from the schedules of cost provided in Court Operating Rule 21.03(b);

**NOW, THEREFORE, IT IS ORDERED** if a petitioner submitted a payment of \$3.00 for MSRS July 1, 2021 or after, the Court Administrator shall not be obligated to issue a refund as the Court has no duty to refund any amount \$5.00 or less as set forth in §488.014 RSMo. Such money shall instead be paid over to Jackson County as provided in §488.014 RSMo.

August 19, 2021

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
J. Dale Youngs, Presiding Judge

CC: All Judges and Commissioners  
Mary A. Marquez, Court Administrator  
Theresa Byrd, Court Administrator – Family Court  
Tracy L. Smedley, Deputy Court Administrator – Circuit Court  
All Directors