

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE RELATED TO MUNICIPAL COURT PROCEDURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That City Code Section 125.300 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~strikethrough~~):

Failure to Appear in Court.

Any person who ~~willfully~~ willfully violates his/her promise to appear in Municipal Court, given at the time of the service of a summons or warrant notifying him/her of his/her court appearance date or who shall willfully fail to appear in Municipal Court in response to a summons or warrant that has been served upon him/her, shall be guilty of an ordinance violation regardless of the disposition of the charge upon which he/she was originally arrested, provided however, that no additional charge shall be issued for the failure to appear for a minor traffic violation.

Section 2. That City Code Section 125.170 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~strikethrough~~):

Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the Clay or Ray County Jail, or to any other public or private correctional facility with which the City maintains a contractual arrangement for the jailing of prisoners, upon receipt of a Warrant of Commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The Municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such facility for the keeping of municipal prisoners in their custody. ~~The same shall be taxed as costs.~~

Section 3. That City Code Section 125.250 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~strikethrough~~):

Court Costs.

- A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:
1. Costs for the Court shall be twelve dollars (\$12.00) per case plus two dollars (\$2.00) shall be assessed for the training of Peace Officers, as an additional Court cost for violations of any and all ordinances of the City, ~~including non-moving traffic violations~~, provided that no such fee shall be collected when the proceeding

has been dismissed or when costs are paid by the municipality. This fee shall be transmitted monthly to the Finance Director of the City. An additional one dollar (\$1.00) shall be assessed for training of Peace Officers, as an additional Court Cost for violations of any and all ordinances of the City, ~~including non-moving traffic violations~~, provided that no such fee shall be collected when the proceeding has been dismissed or when costs are paid by the municipality. This fee shall be deposited with the Treasurer of the State in the Peace Officer Standards and Training Commission Fund, to be used statewide for the training of Peace Officers.

2. ~~Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions~~ Reserved.
3. ~~Actual costs assessed against the City by the County Sheriff in criminal prosecutions~~ Reserved.
4. ~~Actual costs assessed against the City for the defendant's apprehension or confinement in any jail facility~~ Reserved.
5. ~~Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court~~ Reserved.
6. There is established in the State Treasury the Crime Victims' Compensation Fund. A Court cost in the amount of seven dollars fifty cents (\$7.50) shall be assessed as costs in all municipal ordinance violations as outlined in Section 595.045, RSMo. Any sums collected pursuant to this subsection shall be distributed ninety-five (95) percent to the State of Missouri for deposit to the crime victims' compensation fund and five (5) percent to the city as reimbursement for the costs of collection of such state-imposed charge.
7. An additional Court cost in the amount of two dollars (\$2.00) per case for each case filed in Municipal Court. This cost shall be collected according to Section 479.261, RSMo., by the Court Clerk and distributed to the City Treasurer at least monthly. Monies collected from such additional Court cost will be used for the purpose of providing operating expenses for the below-named shelter for battered persons as defined in Sections 455.200 to 455.230, RSMo. to wit Safe Haven. The City Treasurer shall at least quarterly distribute the proceeds to the shelter.
8. A surcharge of two dollars (\$2.00) shall be assessed as costs in each case filed in Municipal Court. This cost shall be collected according to Section 488.5026, RSMo., by the Court Clerk and distributed to the City Treasurer at least monthly and deposited in the Inmate Security Fund account. Monies collected from such additional Court costs will be used for the purpose of maintaining the City's biometric verification system and any other expenses related to the custody and housing of prisoners.

9. (Reserved)
10. ~~A surcharge of one dollar (\$1.00) for the Judicial Education Fund shall be assessed as costs in each case filed in Municipal Court, provided that no such fee shall be collected when the proceeding has been dismissed or when the costs are paid by the municipality. This cost shall be collected according to Sections 488.010 to 488.020, RSMo., by the Court Clerk and distributed to the City Treasurer at least monthly and deposited in the Judicial Education Fund account. Such funds shall be used to pay for continuing education and certification required of Municipal Judges and judicial education and training for the Court Administrator and Clerks of the Municipal Court.~~

Pursuant to Section 479.260 RMSo., the Municipal Court may establish a Judicial Education Fund to retain one dollar (\$1.00) of the twelve-dollar (\$12.00) clerk fee collected in each case. The funds collected shall be allocated to the Judicial Education Fund. This fund shall be used only to pay for the continuing education and certification required of the Municipal Judges by law or Supreme Court rule; and judicial education and training for the Court Administrator and Clerks of the Municipal Court. Provided, further, that the Municipal Court shall not retain more than one thousand five hundred dollars (\$1,500.00) in the Judicial Education Fund for each Judge, Administrator, or clerk of the Municipal Court. Any funds in excess of the prescribed fund limit shall be transmitted quarterly to the City's general revenue fund.

11. In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance, or Court rule, in every proceeding filed in the municipal division for violation of an ordinance, a surcharge of seven dollars (\$7.00) shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the Violations Bureau. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the Court, when costs are waived or when costs are paid to the City. Such surcharge shall be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund as provided in Sections 488.012.3(5) and 488.027.2, RSMo. ~~The fee will not be collected until the court goes live on Show Me Courts (SMC).~~
12. Alcohol related traffic offense cost recoupment. The actual and reasonable costs incurred by the city as determined by the municipal judge for costs associated with the arrest for violation of any city ordinance involving alcohol or drug-related traffic offenses, including the cost of any chemical test to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody as set forth in RSMo § 488.5334;

Section 4. That City Code Section 125.240 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~striketrough~~):

Clerk of Municipal Court

A. The City Manager shall designate a suitable person as the Clerk of the Municipal Court. The duties of said clerk shall be as follows:

1. To ~~act for the Chief of Police in the collection of~~ collect fines and Court costs.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him/her.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge; generally, act as Violations Clerk of the Violations Bureau.
6. Perform all other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the Municipality which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage.

INTRODUCED IN WRITING, read by title two times, passed and approved this _____ day of _____, 2024.

Mark D. Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager