

AN ORDINANCE AMENDING SECTIONS 125.110, 125.210 and 125.260 OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI RELATING TO MUNICIPAL COURT REPORTS TO CITY COUNCIL, JAILING OF DEFENDANTS, AND COURT COSTS AND SURCHARGES

WHEREAS, Sections 125.110, 125.210, 125.260 of the City of Blue Springs Code of Ordinances relating to Municipal Court Reports to City Council, Jailing of Defendants, and Court Costs and Surcharges are part of the operating rules for the City of Blue Springs Municipal Court; and

WHEREAS, upon recent audit by the Missouri Supreme Court Monitor for Municipal Courts, it was determined that variances exist between State Operating Rules and City of Blue Springs Ordinances; and

WHEREAS, the City desires to amend City of Blue Springs Code of Ordinances to be in compliance with State Operating Rules.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That 125.110 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 125.110 Report To The City Council.

- A. The Municipal Judge shall cause to be prepared within the first ~~ten (10)~~ fifteen (15) days of every month a report indicating the following:
1. A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed, ~~if any, the amount of cost, the names of the defendants committed and the cases where there was an application for trial de novo, respectively.~~
 2. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the City Council of the City for examination.
- B. The Municipal Court shall, within the ten (10) days after the first of the month, deliver to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.

Section 2. That Section 125.210 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 125.210 Jailing Of Defendants.

If in the opinion of the Municipal Judge, the City has not a suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail or other suitable place of confinement; and it shall be the duty of the Sheriff, or appropriate correction officer, upon receipt of a warrant or commitment from the Judge, if space for the prisoner is available in the County Jail, 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 for the keeping of such prisoners. ~~The same may be taxed as cost.~~

Section 3. That Section 215.260 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 125.260 Court Costs And Surcharges.

A. In addition to any fine that may be imposed by the Municipal Judge, there may be assessed the following costs in all cases by law. All costs collected are to be remitted to the respective State, County, or City's Finance Director as referenced below in each fund, on not less than a monthly basis. None of these fees shall be collected in any case where a case or defendant has been dismissed by the Court or when the Judge declares the defendant indigent and/or costs are waived by the Judge or when costs are to be paid by the State, County, or City. Additionally, as defined in Sections 479.350(3), 479.350(4), RSMo., the total of Court costs and fines for municipal minor traffic violations or municipal ordinance violations shall not exceed the amount authorized by State law.

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6. Domestic Violence Shelter Fund Surcharge. Pursuant to Section 488.607, RSMo., the Municipal Judge ~~may~~ shall assess a surcharge of four dollars (\$4.00). The surcharge shall be paid in accordance with State law, pursuant to Sections 455.200 to 455.230, RSMo., and paid no less than monthly.

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Section 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 16th day of October 2023.

CITY OF BLUE SPRINGS

ATTEST:


Sheryl Morgan, City Clerk


Carson Ross, Mayor

1st Reading: October 16, 2023
2nd Reading: October 16, 2023

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: September 14, 2023

SUBMITTED BY: Sarah E. Carnes

DEPARTMENT: Law

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Passage of a Bill amending Sections 125.110, 125.210, and 125.260 of the City of Blue Springs Code of Ordinances relating to Municipal Court Reports to City Council, Jailing of Defendants, and Court Costs and Surcharges.

BACKGROUND/JUSTIFICATION

Blue Springs Municipal Court recently received an audit from the Missouri Supreme Court Monitor. One of the outcomes of the audit determined that variances exist between Missouri State Operating Rules and City of Blue Springs Code of Ordinances. In order to comply with the Missouri State Operating Rules, staff suggests amending Sections 125.110 Report to City Council, 125.210 Jailing of Defendants, and Section 125.260 Court Costs and Surcharges.

FINANCIAL IMPACT

Contractor:	N/A
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PROJECT TIMELINE

Estimated Start Date	Estimated End Date
October 16, 2023	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Bill

REVIEWED BY

Requesting Director: Sarah E. Carnes	Budget: N/A
Legal: Sarah E. Carnes	City Administrator: Christine Gates