

INTRODUCED BY ALDERMAN M. Johnson

BILL NO. 1286

ORDINANCE NO. 1241

**AN ORDINANCE AMENDING SECTION 125.300 OF THE MUNICIPAL CODE OF THE CITY OF COOL VALLEY, MISSOURI, REGARDING COURT COSTS.**

**Whereas**, Section 476.055 RSMo established the Statewide Court Automation Fund and the Missouri Court Automation Committee to administer the fund; and

**Whereas**, the Municipal Court of the City of Cool Valley would benefit from participating in the statewide court automation through greater efficiency in the handling of cases and collection of fines; and

**Whereas**, other aspects of the City's court costs ordinance should be updated to reflect current state laws on the subject and the Mayor and Board of Aldermen wish to bring these provisions into conformity;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COOL VALLEY, MISSOURI, AS FOLLOWS:**

**Section One.** Section 125.300 of Article III of Chapter 125 of the Code of Ordinances of the City of Cool Valley, Missouri, is hereby repealed and a new Section 125.300 is hereby enacted in lieu thereof to read as follows:

**Chapter 125. Municipal Court**

**Article III. Fines and Court Costs**

**Section 125.300. Court Costs.**

(a) The following words and phrases, as used in this chapter, shall have the following respective meanings:

*Chief of Police.* The chief of the police department providing law enforcement services to the City of Cool Valley.

*Court costs.* The total of fees, miscellaneous charges and surcharges, imposed in a particular case.

*Fees.* The amount charged for services to be performed by the municipal court.

*Miscellaneous charges.* The amount allowed by law for services provided by individuals of entities other than the municipal court.

*Surcharges.* Additional charges allowed by law which are allowed for specific purposes designated by law.

(b) In addition to any fines assessed, there shall be collected from every defendant who pleads guilty or is found guilty, in any proceedings brought before the municipal judge of the city for violation of any of the ordinances of the city, a fee in the sum of twelve dollars (\$12.00) per case.

(c) The fee provided in subsection (b) herein shall be charged in lieu of all costs permitted by law for docketing of the complaint, hearing arraignment, calling and swearing of witnesses and entry of judgment in satisfaction thereof, services of the arresting officer in issuing the summons and attending court, services of the attorney for the city in prosecuting the case and services of the municipal judge in sitting, hearing and determining such case.

(d) In addition to the fee provided in subsection (b) herein, there shall be taxed as and collected as costs, all sums allowed by the statutes of the state, to magistrate and constables in this county and comparable counties for issuance and service of warrants, subpoenas or other process, incarceration of defendant pending trial, entering, recording and allowing appeal, approving appeal bond or supersedeas bond, docketing case in circuit court on appeal, summoning jury, impaneling jury, jury fees; provided, however, that nothing herein contained shall be construed as obligating the municipal judge to summon or impanel a jury in any case, and for all other court costs for services rendered by the city or any of its officers, agents, or employees other than those usually involved in the hearing and determining of simple traffic cases or similar proceedings.

(e) Reimbursement of certain costs of arrest.

(1) Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Cool Valley involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

(2) Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance 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.

- (3) The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

(f) In addition to any other fines or court costs provided in this Code of Ordinances pertaining to cases filed in the Cool Valley Municipal Division, a surcharge in the sum of three dollars (\$3.00) shall be assessed in each proceeding filed in the Cool Valley Municipal Division for the violation of the ordinances of said city, provided that no such surcharge shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the court. All sums collected pursuant to this subsection shall be distributed as follows:

- (1) Two dollars (\$2.00) of each such surcharge shall be transmitted monthly to the treasurer of the city and used to pay for police officer training as provided by section 590.100 to 590.180 RSMo. The city shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified law enforcement officer or candidate for certification employed by the city. Any excess funds shall be transmitted quarterly to the city's general fund.
- (2) One dollar (\$1.00) of each such surcharge shall be sent to the state treasury to the credit of the peace officers standards and training commission fund created by section 590.178 RSMo.

(g) In addition to any other fines or court costs provided by law to be paid by a defendant in the Cool Valley Municipal Division, the municipal judge shall assess, and the court clerk shall collect, the costs of medical care provided to the defendant while confined by or on behalf of the city as provided in section 2-249 of this Code.

(h) In addition to any other fines or court costs provided in this Code pertaining to cases filed in the Cool Valley Municipal Division, an additional sum of seven dollars and fifty cents (\$7.50) shall be assessed as a surcharge in each proceeding filed in the Cool Valley Municipal Division for the violation of the ordinances of said city, provided that no such fee shall be collected in any proceeding when

the proceeding or the defendant has been dismissed by the court. All sums collected pursuant to this subsection shall be distributed as follows:

- (1) Ninety-five (95) percent of such sums shall be paid to the director of revenue of the State of Missouri for deposit to the crime victims compensation fund as provided in section 595.045 RSMo.
- (2) Five (5) percent of such sums shall be paid to the city treasury.

(i) In addition to any other fines or court costs provided in this Code pertaining to criminal cases filed in the Cool Valley Municipal Division, an additional surcharge in the sum of two dollars (\$2.00) shall be assessed in each case filed in the Cool Valley Municipal Division for the violation of ordinances of the city. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the city. All sums collected pursuant to this subsection shall be distributed on a monthly basis to St. Louis County to be used only for the purpose of providing operating expenses for shelters for battered persons as provided in section 479.261 RSMo.

(j) In addition to any other fines or costs provided in this Code pertaining to cases filed in the Cool Valley Municipal Division, an additional sum of two (\$2.00) dollars and no cents shall be imposed in conjunction with all cases for violation of municipal ordinances. No such charge shall be collected in any proceedings when the proceeding or defendant has been dismissed by the court. Such funds collected under this subsection shall be deposited in the "Inmate Security Fund" and such funds may be utilized to install and maintain a biometric verification system and to pay for any expenses relating to custody and housing and other expenses for prisoners. The Chief of Police shall report annually to the board of aldermen on the funds collected under this provisions and the purpose for which those funds were used.

(k) There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional cost for the State Court Automation Fund in the amount of seven dollars (\$7.00) which may be waived by the Court if the Judge finds the defendant indigent and unable to pay such cost.

**SECTION TWO.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**SECTION THREE.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION FOUR.** This Ordinance shall be in full force and effect both from and after its passage and approval by the Mayor.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF COOL VALLEY THIS 25th DAY OF January, 2017.**

AYES: A. Robinson, M. Johnson, D. Johnson

NAYS:

ABSENT: F. Blackwell

Viola J. Murphy  
Presiding Officer

Attest:

Deborah Jones-Daniels  
Deborah Jones-Daniels, City Clerk

**APPROVED THIS 25th DAY OF January, 2017.**

Viola J. Murphy  
Viola J. Murphy, Mayor

Attest:

Deborah Jones-Daniels  
Deborah Jones-Daniels, City Clerk