

First Reading: _____

Bill No. 1267

Second Reading: _____

Ordinance No. 1222

AN ORDINANCE AMENDING CHAPTER 125 OF THE MUNICIPAL CODE OF THE CITY OF COOL VALLEY, MISSOURI TO REVISE A PROVISION RELATING TO COURT COSTS IN THE COOL VALLEY MUNICIPAL COURT

WHEREAS, Section 479.260, RSMo. and Chapter 488, RSMo. provide for the assessment and collection of court costs on cases filed in the municipal court of the City of Cool Valley;

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

Section One

Chapter 125 of the Municipal Code of the City of Cool Valley is hereby amended by the repeal of Section 125.300 and a new Section 125.300 is hereby enacted in lieu thereof, to read as follows:

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|------------------------|------------------------------|
| TITLE I. | GOVERNMENT CODE |
| CHAPTER 125. | MUNICIPAL COURT |
| ARTICLE III. | FINES AND COURT COSTS |
| SECTION 125.300 | COURT COSTS |

In addition to any fine that may be imposed by the Municipal Judge the following court costs, fees assessments and surcharges are hereby established to be collected subject to the order and determination of the court:

1. Court costs in the amount of twelve dollars (\$12.00).
2. An additional surcharge in the sum of three dollars (\$3.00) to be assessed and added to the basic court fees in paragraph (1) of this Subsection, 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:
 - a. 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 Sections 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.

- b. 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.
3. **Crime Victims' Compensation Fund.** An additional surcharge in the sum of seven dollars fifty cents (\$7.50) to be assessed and added to the basic court fees in paragraph (1) of this Subsection, 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:
 - a. Ninety-five percent (95%) of such surcharge shall be paid to the Director of Revenue of the State for deposit to the Crime Victims' Compensation Fund as provided in Section 595.045, RSMo.
 - b. Five percent (5%) of such surcharge shall be paid to the City treasury.
4. An additional surcharge in the sum of two dollars (\$2.00) to be assessed in each proceeding filed in the Cool Valley Municipal Division, except where the proceeding is dismissed by the Court, for the violation of the ordinances of 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, pursuant to Section 488.607, RSMo.
5. 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.
6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility. Additionally, any charges assessed against the City by the County Sheriff for the apprehension, confinement lodging, care and/or processing of prisoners under order of this court, shall be assessed as costs against such person upon a plea of guilty or a finding of guilty for a violation of the City's ordinances. However, the court may waive the costs or reduce these costs, if it determines that the costs are excessive under the circumstances.

7. Reimbursement of certain costs of arrest. Upon a plea of guilty or a finding of guilty for an offenses of driving while intoxicated or driving with excessive blood alcohol content, or any other ordinances 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 which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made 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. The police department may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.
8. Trial De Novo. An additional fee of \$30 shall be assessed in every case in which the Defendant applies for a trial de novo in the Circuit Court of St. Louis County from the decision of the Municipal Judge.
9. Expungements. There shall be assessed as costs a surcharge in the amount of one hundred dollars (\$100.00) on all petitions for expungement filed under the provisions of Section 610.140, RSMo. in the Cool Valley Municipal Court. Such surcharge shall be collected and disbursed by the clerk of the Cool Valley Municipal Division as provided by Sections 488.010 to 488.020, RSMo. Moneys collected from this surcharge shall be payable to the City's General Fund.
10. In the event that the General Assembly repeals the statute authorizing the assessment of the costs, fees, miscellaneous charges, or surcharges described in this Section or a contrary rule, order or directive is issued by the Circuit Court or Missouri Supreme Court, the clerk of the Cool Valley Municipal Division shall cease collecting such costs, fees, miscellaneous charges, or surcharges so affected.
11. In the event that a court of competent jurisdiction enters a final judgment that any of the costs, fees, miscellaneous charges, or surcharges described in this Section are unconstitutional, unauthorized, or are not to be assessed on cases filed in the municipal divisions of courts of this state, the clerk of the Cool Valley Municipal Division shall cease collecting such costs, fees, miscellaneous charges, or surcharges so affected.

Section Two

Section 125.310 of the Municipal Code of the City of Cool Valley is hereby repealed.

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

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section Five

This Ordinance shall be in full force and effect from and after final passage and approval.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF COOL VALLEY THIS
22nd DAY OF JULY, 2015.**

Ayes: A. ROBINSON, M. JOHNSON, F. BLACKWELL

Nays:

Absent: D. JOHNSON

Presiding Officer

Attest:


Deborah Jones Daniels, City Clerk

APPROVED THIS 22nd DAY OF JULY, 2015.

Viola Murphy, Mayor

Attest:



Deborah Jones-Daniels, City Clerk