

BILL NO. 24-03

ORDINANCE NO. 260

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF ORDINANCES OF THE CITY OF FAIR GROVE, MISSOURI, FOR THE PURPOSE OF UPDATING COURT COSTS ORDINANCES.

WHEREAS, the City desires to update its Code of Ordinances to comply with the Office of the State Courts Administrator (“OSCA”) by amending Sections of the Court Costs section.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FAIR GROVE, MISSOURI

SECTION 1: That Section 125.310 is hereby amended in part by clarifying that in all domestic violence cases in which victims of domestic violence are admitted to shelter within the municipality or county of the municipality, or victims of domestic violence are admitted to shelters in another county, a cost of four dollars (\$4.00) shall be disbursed to the City, removing language regarding the costs assessed for confinement by the County Sherriff, removing language regarding the reasonable costs permitted by ordinance or under State of Missouri laws, and removing any language regarding mileage payments to the Sherriff.

A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Fair Grove Municipal Division of the 31st Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

- ~~1.~~ 1. Costs of Court in the amount of twelve dollars (\$12.00).
- ~~2.~~ 2. Police Officer training fee. A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost 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 Court cost 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.~~ 3. Crime Victims' Compensation Fund. An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (A)(1) of this Section, provided that no such cost 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 paid at least monthly as follows:

a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.6, RSMo.

b. Five percent (5%) shall be paid to the City Treasury.

~~4.~~ 4. State Court Automation Fund surcharge of seven dollars (\$7.00).

~~5.~~ 5. In all domestic violence cases in which victims of domestic violence are admitted to a shelter within the municipality or the county of the municipality, or victims of domestic violence are admitted to such shelters in another county, a cost of four dollars (\$4.00) shall be disbursed to 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 state, county, or municipality.

~~There may also be assessed a cost of up to four dollars (\$4.00) per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.~~

~~6.~~ 6. 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.

~~7.~~ 7. 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.

~~8.~~ 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.

~~9.~~ 8. Any other reasonable cost as may be otherwise provided by ordinance and permitted under the laws of the State of Missouri, including, but not limited to, ~~costs of confinement, including~~ the costs of any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in this Section.

~~10.~~ 9. Reimbursement of certain costs of arrest.

- a. 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 Fair Grove 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.
- b. 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.
- c. 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.

~~11.~~ 10. Surcharge.

- a. It is hereby established that the Clerk for the Municipal Court shall collect an additional ten-dollar surcharge on each Court proceeding filed in Municipal Court.
- b. Said surcharge will not be collected in a proceeding when the defendant's case has been dismissed by the Court or where costs are to be paid by the City of Fair Grove.
- c. Funds received from said surcharge shall be used to only pay costs associated with the following:
 1. Land assembly, purchase, construction, maintenance, and operations of the Municipal Judicial Facility.
 2. Debts service, utilities, maintenance and building security of the Municipal Judicial Facility.
- d. Monies exceeding the need as noted in Subsection **(A)(10)(c)** shall be transferred quarterly to the General Revenue Fund of the City of Fair Grove.

First Reading: 2-27-24

Second Reading: 2-27-24

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS 27th DAY OF February, 2024, BY THE FOLLOWING VOTE:

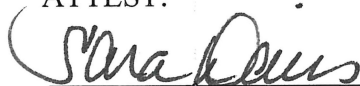
Alderman Veach Aye
Alderman Beaty Aye
Alderman Danderson Aye

Alderman Roe Aye
Alderman Icenhower Aye
Alderman Lord Aye

APPROVED:


Stephen Short, Mayor

ATTEST:


Sara Davis, City Clerk