

BILL NO. _____

ORDINANCE NO. 24-4

AN ORDINANCE OF THE CITY OF FREDERICKTOWN, MISSOURI TO AMEND SECTION 125.320 IN TITLE I, GOVERNMENT CODE, CHAPTER 125: MUNICIPAL COURT RELATING TO COURT COSTS; ESTABLISHING THE EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Section 479.040, RSMo. (2016) authorizes any municipality with a population less than four hundred thousand to elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the circuit in which the municipality is located; and

WHEREAS, on November 27, 2023 the Board of Aldermen so elected; and

WHEREAS, the court costs for municipal ordinance violations filed before an associate circuit judge are \$15.00 instead of the \$12.00 for municipal court costs per Section 488.012.3(6), RSMo. (2016).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

(Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.)

Section 1. Section 125.320 entitled Court Costs in Title I, Government Code, Chapter 125, Municipal Court is hereby repealed and a new Section 125.320 is enacted in lieu thereof to read as follows:

“Section 125.320 Court Costs.

A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Fredericktown Municipal Division of the 24th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

1. Costs of Court in the amount of ~~twelve dollars (\$12.00)~~ fifteen dollars (\$15.00).
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. Crime Victims' Compensation Fund. An additional sum of seven dollars and 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 595.045.5, RSMo.

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

4. Domestic Violence Shelter. There shall also be assessed a cost of four dollars (\$4.00) per case for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.

5. Other costs, ~~such as for 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.

7. (Reserved)

8. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, ~~costs of confinement, including 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 Section 125.320 A. 9. hereof.

9. Reimbursement of Certain Costs of Arrest.

a. Upon a plea or a finding of guilty of violating the provisions of Section 342.020 or 342.030 of this Code or any ordinance of the City of Fredericktown 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.

10. ~~Judicial Education Fund And Appointed Counsel Fund.~~

~~a. The Judicial Education Fund and the Appointed Counsel Fund for the Municipal Court for the City of Fredericktown, Missouri, is hereby established pursuant to Section 479.260.1, RSMo. The funds shall be maintained pursuant to the provisions of said Statute.~~

~~b. The Municipal Court Clerk is hereby authorized to retain one dollar (\$1.00) out of court costs assessed for each case disposed of by the Municipal Court, a Judicial Education Fund and an Appointed Counsel Fund having been established by the Municipal Court. All of such funds collected shall be deposited in separate accounts under the control of the Municipal Court. All of the collected funds shall be allocated to the Judicial Education Fund until such time as a balance of two thousand dollars (\$2,000.00) is reached. Thereafter, one-half (1/2) of such funds collected shall be allocated to each of the two (2) funds.~~

~~e. The Judicial Education Fund shall be used only to pay for:~~

~~(1) The continuing education and certification required of the Municipal Judges by law or Supreme Court Rule; and~~

~~(2) Judicial education and training for the Court Administrator and Clerks of the Municipal Court.~~

~~d. The Appointed Counsel Fund shall be used only to pay the reasonable fees approved by the Court for the appointment of an attorney to represent any defendant found by the Judge to be indigent and unable to pay for legal representation, and where the Supreme Court Rules or the law prescribes such appointment.~~

~~e. At such time as the Judicial Education Fund contains one thousand five hundred dollars (\$1,500.00) for each Judge, Administrator or Clerk of the Municipal Court and the Appointed Counsel Fund contains five thousand dollars (\$5,000.00), the Municipal Court Clerk shall cease collecting for said funds. Collection shall resume when the balance of either fund falls below the prescribed amount.~~

11. Inmate Security Fund.

a. A surcharge of two dollars (\$2.00) shall be assessed as costs in each Court proceeding filed in any Court in any City adopting such a surcharge, in all violations

of any municipal ordinance; except that no such fee shall be collected in any proceeding in any Court when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. A surcharge of two dollars (\$2.00) shall be assessed as costs in a Juvenile Court proceeding in which a child is found by the Court to come within the applicable provisions of Subdivision (3) of Subsection (1) of Section 211.031, RSMo.

b. The Treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund." Funds deposited shall be utilized to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. Upon the installation of the information sharing or biometric verification system, funds in the inmate prisoner detainee security fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees.

12. Court Automation Fund. An additional sum of seven dollars (\$7.00) shall be assessed and payable to the Director of Revenue for the Statewide Court Automation Fund."

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Fredericktown, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. That this ordinance shall take effect and be in force upon its passage and approval and upon the transfer of the Municipal Court operations for hearing and determination of all violations of the City's municipal ordinances by an Associate Circuit Judge of the Twenty-fourth Judicial Circuit.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE having been read by title only the first time on this 12th day of February, 2024, the Board of Aldermen voted as follows:


Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

THIS ORDINANCE having been read by title only the second time on this 12th day of February, 2024, the Board of Aldermen voted as follows:

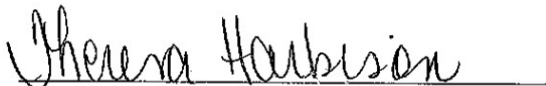
Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

PASSED AND APPROVED this 12th day of February, 2024, by 6 ayes,
0 nays, 0 abstentions and 0 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk