

BILL NO. 1605

ORDINANCE NO. \_\_\_\_

INTRODUCED BY ALDERMAN GOSH

AN ORDINANCE AMENDING SECTION 125.320 "COURT COSTS"  
OF THE WARSON WOODS MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON  
WOODS, MISSOURI, AS FOLLOWS:

SECTION 1. Section 125.320 "Court Costs" of the Municipal Code of the City  
of Warson Woods is hereby repealed in its entirety and replaced with a new Section  
125.320 to read as follows:

**Section 125.320. Court Costs.**

A. *Definitions:* As used in this Chapter, the following words and phrases shall mean:

1. **Court costs:** The total of fees, miscellaneous charges and surcharges, imposed in a particular case.
2. **Fees:** The amount charged for services to be performed by the court.
3. **Miscellaneous charges:** The amounts allowed by law for services provided by individuals or entities other than the court.
4. **Surcharges:** Additional charges allowed by law which are allowed for specific purposes designated by law.

B. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Warson Woods Municipal Division of the 21st Judicial Circuit Court (the "Municipal Court" or "Court"), and in addition to all other fees authorized or required by law, the Municipal Court is authorized to the extent permitted by state law to assess as Court Costs the following:

1. *Costs.* Costs of Court in the amount of twelve dollars (\$12.00) pursuant to Court Operating Rule ("COR") 21.01(a)(5).
2. *Surcharges:*
  - a. *Police Officer Training.* Pursuant to Section 488.5336 RSMo., a surcharge 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. The Court shall distribute the surcharge as follows:

- i. Two dollars (\$2.00) 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.
    - ii. One dollar (\$1.00) 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.
  - b. *Crime Victims' Compensation Fund.* Pursuant to Section 488.5339 RSMo., a surcharge of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (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:
    - i. Ninety-five percent (95%) shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
    - ii. Five percent (5%) shall be paid to the City Treasury.
  - c. *Inmate Prisoner Detainee Security Fund.* Pursuant to Section 488.5026 RSMo., a two dollar (\$2.00) surcharge per case shall be assessed as costs in all cases, including an infraction and violation of a municipal ordinance, to be deposited into the "Inmate Prisoner Detainee Security Fund." Notwithstanding any other provision of law, the moneys collected by the Municipal Court shall be payable to the City and deposited into the "Inmate Prisoner Detainee Security Fund." The Inmate Prisoner Detainee Security Fund 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 hold 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. If the amount of such surcharge is increased or decreased by an amendment to state law, the surcharge authorized to be collected hereunder shall automatically increase or decrease correspondingly.
3. *Reimbursement of certain costs of arrest; alcohol or drug-related traffic offenses.* As authorized by Section 488.5334 RSMo., upon a plea or a finding of guilty of violating

the provisions of Chapter 342 of this Municipal Code or any Code section involving alcohol- or drug-related traffic offenses, the Court is authorized to, 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. 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.

4. *Judicial Education Fund and Appointed Counsel Fund.* Pursuant to Section 479.260 RSMo., the Municipal Court may establish a judicial education fund and an appointed counsel fund, each in separate accounts under the control of the Municipal Court to retain one dollar (\$1.00) of the fees collected on each case. The fees collected shall be allocated between the two funds as determined by the Court. 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. 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. Provided further, that the Municipal Court shall not retain more than one thousand five hundred dollars (\$1,500.00) in the judicial education fund for each judge, administrator or clerk of the Municipal Court and no more than five thousand dollars (\$5,000.00) in the appointed counsel fund. Any funds in excess of the prescribed fund limits shall be transmitted quarterly to the City's general revenue fund.
5. *Miscellaneous charges.*
  - a. *Mileage.* To the extent authorized by Section 488.435 RSMo., 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.
  - b. *Board bill.* To the extent authorized by Section 221.070 RSMo., every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail.
6. *Non-negotiable instrument fee.* A fee of four dollars (\$4.00) for accepting payments of court costs by means other than by cash or negotiable instrument should the Municipal Court, by local court rule, elect to accept payments of court costs by means other than by cash or negotiable instrument.

7. *Postage and copies.* Pursuant to Court Operating Rule 21.01(22) and Section 610.026 RSMo., the Court may charge reasonable fees for postage and per copied page as provided by local court rule or order.
  8. *Bad checks.* A person passing a bad check to the Court shall be prosecuted pursuant to Section 570.120 RSMo., and shall pay, in addition to all other fines, court costs and fee, an administrative handling cost as set forth in Section 510.120.5 RSMo., and a reasonable service charge, which along with the face amount of the check, shall be turned over to the City as the person to whom the bad check was issued (see Section 510.120.6 RSMo.).
  9. *All Other Court Costs.* All other court costs, fees, miscellaneous charges and surcharges authorized or required by statute.
- C. None of the court costs authorized by Subsection B above shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court or when costs are waived or are to be paid by the City.
- D. The Judge may decide not to assess court costs against a defendant in those cases where the defendant is found by the Judge to be indigent and unable to pay the court costs.
- E. If the statutory authority for any court cost, fee, miscellaneous charge and/or surcharge authorized by the Board of Aldermen herein is repealed by the state legislature or is now or in the future found by a court of competent jurisdiction to be an unauthorized court cost, fee, miscellaneous charge or surcharge, then the Board of Aldermen's grant of authority for such court cost, fee, miscellaneous charge or surcharge shall be automatically repealed.

SECTION 2. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF FEBRUARY, 2015.

\_\_\_\_\_  
Laurance M. Howe, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Mahany, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Paul Rost, City Attorney