

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 572

AN ACT

To repeal sections 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof five new sections relating to municipal courts.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 479.350, 479.353, 479.359, 479.360, and  
2           479.368, RSMo, are repealed and five new sections enacted in lieu  
3           thereof, to be known as sections 479.350, 479.353, 479.359,  
4           479.360, and 479.368, to read as follows:

5           479.350. For purposes of sections 479.350 to 479.372, the  
6           following terms mean:

7           (1) "Annual general operating revenue", revenue that can be  
8           used to pay any bill or obligation of a county, city, town, or  
9           village, including general sales tax; general use tax; general  
10          property tax; fees from licenses and permits; unrestricted user  
11          fees; fines, court costs, bond forfeitures, and penalties.

12          Annual general operating revenue does not include designated  
13          sales or use taxes; restricted user fees; grant funds; funds  
14          expended by a political subdivision for technological assistance  
15          in collecting, storing, and disseminating criminal history record  
16          information and facilitating criminal identification activities

1 for the purpose of sharing criminal justice-related information  
2 among political subdivisions; or other revenue designated for a  
3 specific purpose;

4 (2) "Court costs", costs, fees, or surcharges which are  
5 retained by a county, city, town, or village upon a finding of  
6 guilty or plea of guilty, and shall exclude any costs, fees, or  
7 surcharges disbursed to the state or other entities by a county,  
8 city, town, or village;

9 (3) "Minor traffic violation", a municipal or county  
10 traffic ordinance violation prosecuted that does not involve an  
11 accident or injury, that does not involve the operation of a  
12 commercial motor vehicle, and for which no points are assessed by  
13 the department of revenue or the department of revenue is  
14 authorized to assess [no more than] one to four points to a  
15 person's driving record upon conviction. Minor traffic violation  
16 shall include amended charges for any minor traffic violation.  
17 Minor traffic violation shall exclude a violation for exceeding  
18 the speed limit by more than nineteen miles per hour or a  
19 violation occurring within a construction zone or school zone;

20 (4) "Municipal ordinance violation", a municipal or county  
21 ordinance violation prosecuted that does not involve the use of a  
22 motor vehicle and for which penalties are authorized by statute  
23 under sections 64.160, 64.200, 64.295, 64.487, 64.690, 64.895,  
24 67.398, 71.285, 89.120, and 89.490. Municipal ordinance  
25 violation shall include amended charges for municipal ordinance  
26 violations.

27 479.353. Notwithstanding any provisions to the contrary,  
28 the following conditions shall apply to minor traffic violations

1 and municipal ordinance violations:

2 (1) The court shall not assess a fine, if combined with the  
3 amount of court costs, totaling in excess of [three] two hundred  
4 dollars;

5 (2) The court shall not sentence a person to confinement,  
6 except the court may sentence a person to confinement for  
7 violations involving alcohol or controlled substances, violations  
8 endangering the health or welfare of others, and eluding or  
9 giving false information to a law enforcement officer;

10 (3) A person shall not be placed in confinement for failure  
11 to pay a fine unless such nonpayment violates terms of probation;

12 (4) Court costs that apply shall be assessed against the  
13 defendant unless the court finds that the defendant is indigent  
14 based on standards set forth in determining such by the presiding  
15 judge of the circuit. Such standards shall reflect model rules  
16 and requirements to be developed by the supreme court; and

17 (5) No court costs shall be assessed if the defendant is  
18 found to be indigent under subdivision (4) of this section or if  
19 the case is dismissed.

20 479.359. 1. Every county, city, town, and village shall  
21 annually calculate the percentage of its annual general operating  
22 revenue received from fines, bond forfeitures, and court costs  
23 for municipal ordinance violations and minor traffic violations,  
24 including amended charges for any municipal ordinance violations  
25 and minor traffic violations, whether the violation was  
26 prosecuted in municipal court, associate circuit court, or  
27 circuit court, occurring within the county, city, town, or  
28 village. If the percentage is more than thirty percent, the

1 excess amount shall be sent to the director of the department of  
2 revenue. The director of the department of revenue shall set  
3 forth by rule a procedure whereby excess revenues as set forth in  
4 this section shall be sent to the department of revenue. The  
5 department of revenue shall distribute these moneys annually to  
6 the schools of the county in the same manner that proceeds of all  
7 fines collected for any breach of the penal laws of this state  
8 are distributed.

9 2. Beginning January 1, 2016, the percentage specified in  
10 subsection 1 of this section shall be reduced from thirty percent  
11 to twenty percent, unless any county, city, town, or village has  
12 a fiscal year beginning on any date other than January first, in  
13 which case the reduction shall begin on the first day of the  
14 immediately following fiscal year except that any county with a  
15 charter form of government and with more than nine hundred fifty  
16 thousand inhabitants and any city, town, or village with  
17 boundaries found within such county shall be reduced from thirty  
18 percent to twelve and one-half percent.

19 3. An addendum to the annual financial report submitted to  
20 the state auditor by the county, city, town, or village under  
21 section 105.145 shall contain an accounting of:

22 (1) Annual general operating revenue as defined in section  
23 479.350;

24 (2) The total revenues from fines, bond forfeitures, and  
25 court costs for municipal ordinance violations and minor traffic  
26 violations occurring within the county, city, town, or village,  
27 including amended charges from any municipal ordinance violations  
28 and minor traffic violations;

1           (3) The percent of annual general operating revenue from  
2 fines, bond forfeitures, and court costs for municipal ordinance  
3 violations and minor traffic violations occurring within the  
4 county, city, town, or village, including amended charges from  
5 any charged municipal ordinance violations and minor traffic  
6 violation, charged in the municipal court of that county, city,  
7 town, or village; and

8           (4) Said addendum shall be certified and signed by a  
9 representative with knowledge of the subject matter as to the  
10 accuracy of the addendum contents, under oath and under the  
11 penalty of perjury, and witnessed by a notary public.

12           4. On or before December 31, 2015, the state auditor shall  
13 set forth by rule a procedure for including the addendum  
14 information required by this section. The rule shall also allow  
15 reasonable opportunity for demonstration of compliance without  
16 unduly burdensome calculations.

17           479.360. 1. Every county, city, town, and village shall  
18 file with the state auditor, together with its report due under  
19 section 105.145, its certification of its substantial compliance  
20 signed by its municipal judge with the municipal court procedures  
21 set forth in this subsection during the preceding fiscal year.  
22 The procedures to be adopted and certified include the following:

23           (1) Defendants in custody pursuant to an initial arrest  
24 warrant issued by a municipal court have an opportunity to be  
25 heard by a judge in person, by telephone, or video conferencing  
26 as soon as practicable and not later than forty-eight hours on  
27 minor traffic violations and not later than seventy-two hours on  
28 other violations and, if not given that opportunity, are

1 released;

2 (2) Defendants in municipal custody shall not be held more  
3 than twenty-four hours without a warrant after arrest;

4 (3) Defendants are not detained in order to coerce payment  
5 of fines and costs;

6 (4) The municipal court has established procedures to allow  
7 indigent defendants to present evidence of their financial  
8 condition and takes such evidence into account if determining  
9 fines and costs and establishing related payment requirements;

10 (5) The municipal court only assesses fines and costs as  
11 authorized by law;

12 (6) No additional charge shall be issued for the failure to  
13 appear for a minor traffic violation;

14 (7) The municipal court conducts proceedings in a courtroom  
15 that is open to the public and large enough to reasonably  
16 accommodate the public, parties, and attorneys;

17 (8) The municipal court makes use of alternative payment  
18 plans [and];

19 (9) The municipal court makes use of community service  
20 alternatives for which no associated costs are charged to the  
21 defendant; and

22 ~~[(9)]~~ (10) The municipal court has adopted an electronic  
23 payment system or payment by mail for the payment of minor  
24 traffic violations.

25 2. On or before December 31, 2015, the state auditor shall  
26 set forth by rule a procedure for including the addendum  
27 information required by this section. The rule shall also allow  
28 reasonable opportunity for demonstration of compliance.

1           479.368. 1. (1) Except for county sales taxes deposited  
2 in the county sales tax trust fund as defined in section 66.620,  
3 any county, city, town, or village failing to timely file the  
4 required addendums or remit the required excess revenues, if  
5 applicable, after the time period provided by the notice by the  
6 director of the department of revenue or any final determination  
7 on excess revenue by the court in a judicial proceeding,  
8 whichever is later, shall not receive from that date any amount  
9 of moneys to which the county, city, town, or village would  
10 otherwise be entitled to receive from revenues from local sales  
11 tax as defined in section 32.085.

12           (2) If any county, city, town, or village has failed to  
13 timely file the required addendums, the director of the  
14 department of revenue shall hold any moneys the noncompliant  
15 city, town, village, or county would otherwise be entitled to  
16 from local sales tax as defined in section 32.085 until a  
17 determination is made by the director of revenue that the  
18 noncompliant city, town, village, or county has come into  
19 compliance with the provisions of sections 479.359 and 479.360.

20           (3) If any county, city, town, or village has failed to  
21 remit the required excess revenue to the director of the  
22 department of revenue such general local sales tax revenues shall  
23 be distributed as provided in subsection 1 of section 479.359 by  
24 the director of the department of revenue in the amount of excess  
25 revenues that the county, city, town, or village failed to remit.

26  
27 Upon a noncompliant city, town, village, or county coming into  
28 compliance with the provisions of sections 479.359 and 479.360,

1 the director of the department of revenue shall disburse any  
2 remaining balance of funds held under this subsection after  
3 satisfaction of amounts due under section 479.359. Moneys held  
4 by the director of the department of revenue under this  
5 subsection shall not be deemed to be state funds and shall not be  
6 commingled with any funds of the state.

7 2. (1) Any city, town, village, or county that  
8 participates in the distribution of local sales tax in sections  
9 66.600 to 66.630 and fails to timely file the required addendums  
10 or remit the required excess revenues, if applicable, after the  
11 time period provided by the notice by the director of the  
12 department of revenue or any final determination on excess  
13 revenue by the court in a judicial proceeding, whichever is  
14 later, shall not receive any amount of moneys to which said city,  
15 town, village, or county would otherwise be entitled under  
16 sections 66.600 to 66.630. The director of the department of  
17 revenue shall notify the county to which the duties of the  
18 director have been delegated under section 66.601 of any  
19 noncompliant city, town, village, or county and the county shall  
20 remit to the director of the department of revenue any moneys to  
21 which said city, town, village, or county would otherwise be  
22 entitled. No disbursements to the noncompliant city, town,  
23 village, or county shall be permitted until a determination is  
24 made by the director of revenue that the noncompliant city, town,  
25 village, or county has come into compliance with the provisions  
26 of sections 479.359 and 479.360.

27 (2) If such county, city, town, or village has failed to  
28 timely file the required addendums, the director of the



1 department of revenue shall hold any moneys the noncompliant  
2 city, town, village, or county would otherwise be entitled to  
3 under sections 66.600 to 66.630 until a determination is made by  
4 the director of revenue that the noncompliant city, town,  
5 village, or county has come into compliance with the provisions  
6 of sections 479.359 and 479.360.

7 (3) If any county, city, town, or village has failed to  
8 remit the required excess revenue to the director of the  
9 department of revenue, the director shall distribute such moneys  
10 the county, city, town, or village would otherwise be entitled to  
11 under sections 66.600 to 66.630 in the amount of excess revenues  
12 that the city, town, village, or county failed to remit as  
13 provided in subsection 1 of section 479.359.

14  
15 Upon a noncompliant city, town, village, or county coming into  
16 compliance with the provisions of sections 479.359 and 479.360,  
17 the director of the department of revenue shall disburse any  
18 remaining balance of funds held under this subsection after  
19 satisfaction of amounts due under section 479.359 and shall  
20 notify the county to which the duties of the director have been  
21 delegated under section 66.601 that such compliant city, town,  
22 village, or county is entitled to distributions under sections  
23 66.600 to 66.630. If a noncompliant city, town, village, or  
24 county becomes disincorporated, any moneys held by the director  
25 of the department of revenue shall be distributed to the schools  
26 of the county in the same manner that proceeds of all penalties,  
27 forfeitures, and fines collected for any breach of the penal laws  
28 of the state are distributed. Moneys held by the director of the

1 department of revenue under this subsection shall not be deemed  
2 to be state funds and shall not be commingled with any funds of  
3 the state.

4 3. In addition to the provisions of subsection 1 of this  
5 section, any county that fails to remit the required excess  
6 revenue as required by section 479.359 shall have an election  
7 upon the question of disincorporation under Article VI, Section 5  
8 of the Constitution of Missouri, and any such city, town, or  
9 village that fails to remit the required excess revenue as  
10 required by section 479.359 shall have an election upon the  
11 question of disincorporation according to the following  
12 procedure:

13 (1) The election upon the question of disincorporation of  
14 such city, town, or village shall be held on the next general  
15 election day, as defined by section 115.121;

16 (2) The director of the department of revenue shall notify  
17 the election authorities responsible for conducting the election  
18 according to the terms of section 115.125 and the county  
19 governing body in which the city, town, or village is located not  
20 later than 5:00 p.m. on the tenth Tuesday prior to the election  
21 of the amount of the excess revenues due;

22 (3) The question shall be submitted to the voters of such  
23 city, town, or village in substantially the following form:

24 The city/town/village of ..... has kept more  
25 revenue from fines, bond forfeitures, and court costs for  
26 municipal ordinance violations and minor traffic violations than  
27 is permitted by state law and failed to remit those revenues to  
28 the county school fund. Shall the city/town/village of

..... be dissolved?

☐ YES ☐ NO

(4) Upon notification by the director of the department of revenue, the county governing body in which the city, town, or village is located shall give notice of the election for eight consecutive weeks prior to the election by publication in a newspaper of general circulation published in the city, town, or village, or if there is no such newspaper in the city, town, or village, then in the newspaper in the county published nearest the city, town, or village; and

(5) Upon the affirmative vote of [sixty percent] a majority of those persons voting on the question, the county governing body shall disincorporate the city, town, or village.