

FIRST REGULAR SESSION

SENATE BILL NO. 81

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0652S.011

AN ACT

To repeal section 479.360, RSMo, and to enact in lieu thereof one new section relating to mandatory procedures adopted by municipal courts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 479.360, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 479.360, to read as follows:

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

6 (1) Defendants in custody pursuant to an initial arrest warrant issued by
7 a municipal court have an opportunity to be heard by a judge in person, by
8 telephone, or video conferencing as soon as practicable and not later than
9 forty-eight hours on minor traffic violations and not later than seventy-two hours
10 on other violations and, if not given that opportunity, are released;

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

13 (3) Defendants are not detained in order to coerce payment of fines and
14 costs unless found to be in contempt after strict compliance by the court with the
15 due process procedures mandated by Missouri supreme court rule 37.65 or its
16 successor rule;

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

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

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

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

28 (8) The municipal court makes use of alternative payment plans;

29 (9) The municipal court makes use of community service alternatives [for
30 which no associated costs are charged to the defendant]; and

31 (10) The municipal court has adopted an electronic payment system or
32 payment by mail for the payment of minor traffic violations.

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

✓
Bill

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