

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 553
99TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 8, 2018, with recommendation that the Senate Committee Substitute do pass.

5121S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof eleven new sections relating to local government, with existing penalty provisions.

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

Section A. Sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and 479.360, to read as follows:

67.398. 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 thousand inhabitants and located in more than one county may enact ordinances
15 for the abatement of a condition of any lot or land that has vacant buildings or
16 structures open to entry.

17 3. Any ordinance authorized by this section shall provide for service to the
18 owner of the property [and, if the property is not owner-occupied, to any occupant
19 of the property] of a written notice specifically describing each condition of the
20 lot or land declared to be a public nuisance, and which notice shall identify what
21 action will remedy the public nuisance. Unless a condition presents an
22 immediate, specifically identified risk to the public health or safety, the notice
23 shall provide a reasonable time, not less than ten days, in which to abate or
24 commence removal of each condition identified in the notice. Written notice may
25 be given by personal service or by first-class mail to [both the occupant of the
26 property at the property address and] the owner at the last known address of the
27 owner[, if not the same]. Upon a failure of the owner to pursue the removal or
28 abatement of such nuisance without unnecessary delay, the building
29 commissioner or designated officer may cause the condition which constitutes the
30 nuisance to be removed or abated. If the building commissioner or designated
31 officer causes such condition to be removed or abated, the cost of such removal or
32 abatement and the proof of notice to the owner of the property shall be certified
33 to the city clerk or officer in charge of finance who shall cause the certified cost
34 to be included in a special tax bill or added to the annual real estate tax bill, at
35 the collecting official's option, for the property and the certified cost shall be
36 collected by the city collector or other official collecting taxes in the same manner
37 and procedure for collecting real estate taxes. If the certified cost is not paid, the
38 tax bill shall be considered delinquent, and the collection of the delinquent bill
39 shall be governed by the laws governing delinquent and back taxes. The tax bill
40 from the date of its issuance shall be deemed a personal debt against the owner
41 and shall also be a lien on the property from the date the tax bill is delinquent
42 until paid.

 67.410. 1. Except as provided in subsection 3 of this section, any
2 ordinance enacted pursuant to section 67.400 shall:

3 (1) Set forth those conditions detrimental to the health, safety or welfare
4 of the residents of the city, town, village, or county the existence of which
5 constitutes a nuisance;

6 (2) Provide for duties of inspectors with regard to such buildings or
7 structures and shall provide for duties of the building commissioner or designated

8 officer or officers to supervise all inspectors and to hold hearings regarding such
9 buildings or structures;

10 (3) Provide for service of adequate notice of the declaration of nuisance,
11 which notice shall specify that the property is to be vacated, if such be the case,
12 reconditioned or removed, listing a reasonable time for commencement; and may
13 provide that such notice be served either by personal service [or], by certified
14 mail, return receipt requested, **or by a private delivery service, which is**
15 **substantially equivalent to certified mail**, but if service cannot be had by
16 either of these modes of service, then service may be had by publication. The
17 ordinances shall further provide that the owner, occupant, lessee, mortgagee,
18 agent, and all other persons having an interest in the building or structure as
19 shown by the land records of the recorder of deeds of the county wherein the land
20 is located shall be made parties;

21 (4) Provide that upon failure to commence work of reconditioning or
22 demolition within the time specified or upon failure to proceed continuously with
23 the work without unnecessary delay, the building commissioner or designated
24 officer or officers shall call and have a full and adequate hearing upon the matter,
25 giving the affected parties at least ten days' written notice of the hearing. Any
26 party may be represented by counsel, and all parties shall have an opportunity
27 to be heard. After the hearings, if the evidence supports a finding that the
28 building or structure is a nuisance or detrimental to the health, safety, or welfare
29 of the residents of the city, town, village, or county, the building commissioner or
30 designated officer or officers shall issue an order making specific findings of fact,
31 based upon competent and substantial evidence, which shows the building or
32 structure to be a nuisance and detrimental to the health, safety, or welfare of the
33 residents of the city, town, village, or county and ordering the building or
34 structure to be demolished and removed, or repaired. If the evidence does not
35 support a finding that the building or structure is a nuisance or detrimental to
36 the health, safety, or welfare of the residents of the city, town, village, or county,
37 no order shall be issued;

38 (5) Provide that if the building commissioner or other designated officer
39 or officers issue an order whereby the building or structure is demolished,
40 secured, or repaired, or the property is cleaned up, the cost of performance shall
41 be certified to the city clerk or officer in charge of finance, who shall cause a
42 special tax bill or assessment therefor against the property to be prepared and
43 collected by the city collector or other official collecting taxes, unless the building

44 or structure is demolished, secured or repaired by a contractor pursuant to an
45 order issued by the city, town, village, or county and such contractor files a
46 mechanic's lien against the property where the dangerous building is
47 located. The contractor may enforce this lien as provided in sections 429.010 to
48 429.360. Except as provided in subsection 3 of this section, at the request of the
49 taxpayer the tax bill may be paid in installments over a period of not more than
50 ten years. The tax bill from date of its issuance shall be deemed a personal debt
51 against the property owner and shall also be a lien on the property until paid. A
52 city not within a county or a city with a population of at least four hundred
53 thousand located in more than one county, notwithstanding any charter provision
54 to the contrary, may, by ordinance, provide that upon determination by the city
55 that a public benefit will be gained the city may discharge the special tax bill,
56 including the costs of tax collection, accrued interest and attorneys fees, if any.

57 2. If there are proceeds of any insurance policy based upon a covered
58 claim payment made for damage or loss to a building or other structure caused
59 by or arising out of any fire, explosion, or other casualty loss, the ordinance may
60 establish a procedure for the payment of up to twenty-five percent of the
61 insurance proceeds, as set forth in this subsection. The order or ordinance shall
62 apply only to a covered claim payment which is in excess of fifty percent of the
63 face value of the policy covering a building or other structure:

64 (1) The insurer shall withhold from the covered claim payment up to
65 twenty-five percent of the covered claim payment, and shall pay such moneys to
66 the city to deposit into an interest-bearing account. Any named mortgagee on the
67 insurance policy shall maintain priority over any obligation under the order or
68 ordinance;

69 (2) The city or county shall release the proceeds and any interest which
70 has accrued on such proceeds received under subdivision (1) of this subsection to
71 the insured or as the terms of the policy and endorsements thereto provide within
72 thirty days after receipt of such insurance moneys, unless the city or county has
73 instituted legal proceedings under the provisions of subdivision (5) of subsection
74 1 of this section. If the city or county has proceeded under the provisions of
75 subdivision (5) of subsection 1 of this section, all moneys in excess of that
76 necessary to comply with the provisions of subdivision (5) of subsection 1 of this
77 section for the removal, securing, repair and cleanup of the building or structure,
78 and the lot on which it is located, less salvage value, shall be paid to the insured;

79 (3) If there are no proceeds of any insurance policy as set forth in this

80 subsection, at the request of the taxpayer, the tax bill may be paid in
81 installments over a period of not more than ten years. The tax bill from date of
82 its issuance shall be a lien on the property until paid;

83 (4) This subsection shall apply to fire, explosion, or other casualty loss
84 claims arising on all buildings and structures;

85 (5) This subsection does not make the city or county a party to any
86 insurance contract, and the insurer is not liable to any party for any amount in
87 excess of the proceeds otherwise payable under its insurance policy.

88 3. The governing body of any city not within a county and the governing
89 body of any city with a population of three hundred fifty thousand or more
90 inhabitants which is located in more than one county may enact their own
91 ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2
92 of this section.

93 4. Notwithstanding the provisions of section 82.300, any city may
94 prescribe and enforce and collect fines and penalties for a breach of any ordinance
95 enacted pursuant to section 67.400 or this section and to punish the violation of
96 such ordinance by a fine or imprisonment, or by both fine and
97 imprisonment. Such fine may not exceed one thousand dollars, unless the owner
98 of the property is not also a resident of the property, then such fine may not
99 exceed two thousand dollars.

100 5. The ordinance may also provide that a city not within a county or a city
101 with a population of at least three hundred fifty thousand located in more than
102 one county may seek to recover the cost of demolition prior to the occurrence of
103 demolition, as described in this subsection. The ordinance may provide that if the
104 building commissioner or other designated officer or officers issue an order
105 whereby the building or structure is ordered to be demolished, secured or
106 repaired, and the owner has been given an opportunity for a hearing to contest
107 such order, then the building commissioner or other designated officer or officers
108 may solicit no less than two independent bids for such demolition work. The
109 amount of the lowest bid, including offset for salvage value, if any, plus
110 reasonable anticipated costs of collection, including attorney's fees, shall be
111 certified to the city clerk or officer in charge of finance, who shall cause a special
112 tax bill to be issued against the property owner to be prepared and collected by
113 the city collector or other official collecting taxes. The municipal clerk or other
114 officer in charge of finance shall discharge the special tax bill upon
115 documentation by the property owner of the completion of the ordered repair or

116 demolition work. Upon determination by the municipal clerk or other officer in
117 charge of finance that a public benefit is secured prior to payment of the special
118 tax bill, the municipal clerk or other officer in charge of finance may discharge
119 the special tax bill upon the transfer of the property. The payment of the special
120 tax bill shall be held in an interest-bearing account. Upon full payment of the
121 special tax bill, the building commissioner or other designated officer or officers
122 shall, within one hundred twenty days thereafter, cause the ordered work to be
123 completed, and certify the actual cost thereof, including the cost of tax bill
124 collection and attorney's fees, to the city clerk or other officer in charge of finance
125 who shall, if the actual cost differs from the paid amount by greater than two
126 percent of the paid amount, refund the excess payment, if any, to the payor, or
127 if the actual amount is greater, cause a special tax bill or assessment for the
128 difference against the property to be prepared and collected by the city collector
129 or other official collecting taxes. If the building commissioner or other designated
130 officer or officers shall not, within one hundred twenty days after full payment,
131 cause the ordered work to be completed, then the full amount of the payment,
132 plus interest, shall be repaid to the payor. Except as provided in subsection 2 of
133 this section, at the request of the taxpayer the tax bill for the difference may be
134 paid in installments over a period of not more than ten years. The tax bill for the
135 difference from the date of its issuance shall be deemed a personal debt against
136 the property owner and shall also be a lien on the property until paid.

143.783. 1. Any state agency **or court pursuant to subdivision (5) of**
2 **section 479.353** may submit to the department any debt in excess of twenty-five
3 dollars for collection through setoff, under the procedure established by sections
4 143.782 to 143.788, except in cases where such collection would result in a loss
5 of federal funds or federal assistance.

6 2. Upon request of any state agency **or court**, the department shall set
7 off any refund, as defined in section 143.782, against the sum certified by that
8 state agency **or court** as provided in sections 143.782 to 143.788 provided that
9 the department shall not be required to set off any refund if the cost of the
10 determination of the refund exceeds the amount of the refund.

11 3. The department has priority, pursuant to section 143.781, over every
12 other state agency **or court** for collection by setoff under sections 143.782 to
13 143.788.

14 4. The collection remedy authorized by sections 143.782 to 143.788 is in
15 addition to and not in substitution for any other remedy available by law.

302.321. 1. A person commits the offense of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or
3 driving privilege has been cancelled, suspended, or revoked under the laws of this
4 state or any other state, **excluding a person whose license is suspended**
5 **solely pursuant to section 302.341**, and acts with criminal negligence with
6 respect to knowledge of the fact that such person's driving privilege has been
7 cancelled, suspended, or revoked.

8 2. Any person convicted of driving while revoked is guilty of a
9 misdemeanor. A first violation of this section shall be punishable as a class D
10 misdemeanor. A second or third violation of this section shall be punishable as
11 a class A misdemeanor. Any person with no prior alcohol-related enforcement
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of
13 driving while revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or waived the
15 right to an attorney in writing, and where the prior three driving-while-revoked
16 offenses occurred within ten years of the date of occurrence of the present offense;
17 and any person with a prior alcohol-related enforcement contact as defined in
18 section 302.525, convicted a third or subsequent time of driving while revoked or
19 a county or municipal ordinance of driving while suspended or revoked where the
20 defendant was represented by or waived the right to an attorney in writing, and
21 where the prior two driving-while-revoked offenses occurred within ten years of
22 the date of occurrence of the present offense and where the person received and
23 served a sentence of ten days or more on such previous offenses is guilty of a class
24 E felony. Except upon conviction as a first offense, no court shall suspend the
25 imposition of sentence as to such a person nor sentence such person to pay a fine
26 in lieu of a term of imprisonment, nor shall such person be eligible for parole or
27 probation until such person has served a minimum of forty-eight consecutive
28 hours of imprisonment, unless as a condition of such parole or probation, such
29 person performs at least ten days involving at least forty hours of community
30 service under the supervision of the court in those jurisdictions which have a
31 recognized program for community service. Driving while revoked is a class E
32 felony on the second or subsequent conviction pursuant to section 577.010 or a
33 fourth or subsequent conviction for any other offense. Prior pleas of guilty and
34 prior findings of guilty shall be pleaded and proven in the same manner as
35 required by section 558.021.

36 3. **A person who operates a motor vehicle while such person's**

37 **license is suspended solely pursuant to section 302.341 shall be deemed**
38 **to not have a valid license pursuant to section 302.020.**

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. The filing of financial responsibility with the
24 bureau of safety responsibility, department of revenue, shall not be required as
25 a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

27 **2. Except as provided in subdivision (5) of section 479.353, the**
28 **provisions of subsection 1 of this section shall not apply to minor traffic violations**
29 **as defined in section 479.350.**

347.048. 1. (1) Any limited liability company that owns and rents or
2 leases real property, or owns unoccupied real property, located within:

3 (a) Any home rule city with a population of more than four hundred
4 thousand inhabitants which is located in more than one county; [or]

5 (b) Any home rule city with more than one hundred sixteen thousand but

6 fewer than one hundred fifty-five thousand inhabitants; **or**

7 **(c) Any home rule city with more than one hundred fifty-five**
8 **thousand but fewer than two hundred thousand inhabitants;**

9 shall file with that city's clerk an affidavit listing the name and street address
10 of at least one natural person who has management control and responsibility for
11 the real property owned and leased or rented by the limited liability company, or
12 owned by the limited liability company and unoccupied.

13 (2) Within thirty days following the cessation of management control and
14 responsibility of any natural person named in an affidavit described in this
15 section, the limited liability company shall file a successor affidavit listing the
16 name and street address of a natural person successor.

17 2. No limited liability company shall be charged a fee for filing an
18 affidavit or successor affidavit required under this section.

19 3. If a limited liability company required by this section to file an affidavit
20 or a successor affidavit fails or refuses to file such completed affidavit with the
21 appropriate clerk, any person who is adversely affected by the failure or refusal
22 or the home rule city may petition the circuit court in the county where the
23 property is located to direct the execution and filing of such document.

479.020. 1. Any city, town or village, including those operating under a
2 constitutional or special charter, may, and cities with a population of four
3 hundred thousand or more shall, provide by ordinance or charter for the selection,
4 tenure and compensation of a municipal judge or judges consistent with the
5 provisions of this chapter who shall have original jurisdiction to hear and
6 determine all violations against the ordinances of the municipality. The method
7 of selection of municipal judges shall be provided by charter or ordinance. Each
8 municipal judge shall be selected for a term of not less than two years as provided
9 by charter or ordinance.

10 2. Except where prohibited by charter or ordinance, the municipal judge
11 may be a part-time judge and may serve as municipal judge in more than one
12 municipality.

13 3. No person shall serve as a municipal judge of any municipality with a
14 population of seven thousand five hundred or more or of any municipality in a
15 county of the first class with a charter form of government unless the person is
16 licensed to practice law in this state unless, prior to January 2, 1979, such person
17 has served as municipal judge of that same municipality for at least two years.

18 4. Notwithstanding any other statute, a municipal judge need not be a

19 resident of the municipality or of the circuit in which the municipal judge serves
20 except where ordinance or charter provides otherwise. Municipal judges shall be
21 residents of Missouri.

22 5. Judges selected under the provisions of this section shall be municipal
23 judges of the circuit court and shall be divisions of the circuit court of the circuit
24 in which the municipality, or major geographical portion thereof, is located. The
25 judges of these municipal divisions shall be subject to the rules of the circuit
26 court which are not inconsistent with the rules of the supreme court. The
27 presiding judge of the circuit shall have general administrative authority over the
28 judges and court personnel of the municipal divisions within the circuit.

29 6. No municipal judge shall hold any other office in the municipality
30 which the municipal judge serves as judge. The compensation of any municipal
31 judge and other court personnel shall not be dependent in any way upon the
32 number of cases tried, the number of guilty verdicts reached or the amount of
33 fines imposed or collected.

34 7. Municipal judges shall be at least twenty-one years of age. No person
35 shall serve as municipal judge after that person has reached that person's
36 seventy-fifth birthday.

37 8. Within six months after selection for the position, each municipal judge
38 who is not licensed to practice law in this state shall satisfactorily complete the
39 course of instruction for municipal judges prescribed by the supreme court. The
40 state courts administrator shall certify to the supreme court the names of those
41 judges who satisfactorily complete the prescribed course. If a municipal judge
42 fails to complete satisfactorily the prescribed course within six months after the
43 municipal judge's selection as municipal judge, the municipal judge's office shall
44 be deemed vacant and such person shall not thereafter be permitted to serve as
45 a municipal judge, nor shall any compensation thereafter be paid to such person
46 for serving as municipal judge.

47 [9. No municipal judge shall serve as a municipal judge in more than five
48 municipalities at one time.]

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

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

7 general operating revenue does not include **revenues designated by the**
8 **Missouri Constitution, state statute, or federal law for a specific**
9 **purpose, including** designated sales or use taxes; restricted user fees; grant
10 funds; funds expended by a political subdivision for technological assistance in
11 collecting, storing, and disseminating criminal history record information and
12 facilitating criminal identification activities for the purpose of sharing criminal
13 justice-related information among political subdivisions; or other revenue
14 designated for a specific purpose;

15 (2) "Court costs", costs, fees, or surcharges which are retained by a county,
16 city, town, or village upon a finding of guilty or plea of guilty, and shall exclude
17 any costs, fees, or surcharges disbursed to the state or other entities by a county,
18 city, town, or village and any certified costs, not including fines added to the
19 annual real estate tax bill or a special tax bill under section 67.398, 67.402, or
20 67.451;

21 (3) "Minor traffic violation", a municipal or county traffic ordinance
22 violation prosecuted that does not involve an accident or injury, that does not
23 involve the operation of a commercial motor vehicle, and for which no points are
24 assessed by the department of revenue or the department of revenue is authorized
25 to assess one to four points to a person's driving record upon conviction. Minor
26 traffic violation shall include amended charges for any minor traffic
27 violation. Minor traffic violation shall exclude a violation for exceeding the speed
28 limit by more than nineteen miles per hour or a violation occurring within a
29 construction zone or school zone;

30 (4) "Municipal ordinance violation", a municipal or county ordinance
31 violation prosecuted for which penalties are authorized by statute under sections
32 64.160, 64.200, 64.295, 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and
33 89.490. Municipal ordinance violation shall include amended charges for
34 municipal ordinance violations.

479.353. Notwithstanding any provisions to the contrary, the following
2 conditions shall apply to minor traffic violations and municipal ordinance
3 violations:

4 (1) [The court shall not assess a fine, if combined with the amount of
5 court costs, totaling in excess of:

6 (a) Two hundred twenty-five dollars for minor traffic violations; and

7 (b) For municipal ordinance violations committed within a twelve-month
8 period beginning with the first violation: two hundred dollars for the first

9 municipal ordinance violation, two hundred seventy-five dollars for the second
10 municipal ordinance violation, three hundred fifty dollars for the third municipal
11 ordinance violation, and four hundred fifty dollars for the fourth and any
12 subsequent municipal ordinance violations;

13 (2) The court shall not sentence a person to confinement, except the court
14 may sentence a person to confinement for any violation involving alcohol or
15 controlled substances, violations endangering the health or welfare of others, or
16 eluding or giving false information to a law enforcement officer;

17 (3) (2) A person shall not be placed in confinement for failure to pay a
18 fine unless such nonpayment violates terms of probation or unless the due process
19 procedures mandated by Missouri supreme court rule 37.65 or its successor rule
20 are strictly followed by the court;

21 (4) (3) Court costs that apply shall be assessed against the defendant
22 unless the court finds that the defendant is indigent based on standards set forth
23 in determining such by the presiding judge of the circuit. Such standards shall
24 reflect model rules and requirements to be developed by the supreme court; [and]

25 (5) (4) No court costs shall be assessed if the defendant is found to be
26 indigent under subdivision [(4)] (3) of this section or if the case is dismissed; and

27 (5) In the event a person charged with a minor traffic violation
28 or municipal ordinance violation fails to appear in court after having
29 been summoned to appear, and if the court finds that there is not good
30 cause for such nonappearance, then the court may:

31 (a) Order the director of the department of revenue to suspend
32 the defendant's driving privileges, in accordance with subsection
33 302.341;

34 (b) Assess a civil penalty, and upon failure to pay such penalty,
35 the court may submit the debt to the department of revenue for
36 collection through set off against the defendant's Missouri income tax
37 refund, in accordance with section 143.783; or

38 (c) Order the defendant to complete a period of community
39 service.

479.359. 1. Every county, city, town, and village shall annually calculate
2 the percentage of its annual general operating revenue received from fines, bond
3 forfeitures, and court costs for municipal ordinance violations and minor traffic
4 violations, including amended charges for any municipal ordinance violations and
5 minor traffic violations, whether the violation was prosecuted in municipal court,

6 associate circuit court, or circuit court, occurring within the county, city, town, or
7 village. If the percentage is more than thirty percent, the excess amount shall
8 be sent to the director of the department of revenue. The director of the
9 department of revenue shall set forth by rule a procedure whereby excess
10 revenues as set forth in this section shall be sent to the department of
11 revenue. The department of revenue shall distribute these moneys annually to
12 the schools of the county in the same manner that proceeds of all fines collected
13 for any breach of the penal laws of this state are distributed.

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

22 3. An addendum to the annual financial report submitted to the state
23 auditor under section 105.145 by the county, city, town, or village that has chosen
24 to have a municipal court division shall contain an accounting of:

- 25 (1) Annual general operating revenue as defined in section 479.350;
- 26 (2) The total revenues from fines, bond forfeitures, and court costs for
27 municipal ordinance violations and minor traffic violations occurring within the
28 county, city, town, or village, including amended charges from any municipal
29 ordinance violations and minor traffic violations;
- 30 (3) The percent of annual general operating revenue from fines, bond
31 forfeitures, and court costs for municipal ordinance violations and minor traffic
32 violations occurring within the county, city, town, or village, including amended
33 charges from any charged municipal ordinance violations and minor traffic
34 violation, charged in the municipal court of that county, city, town, or village; and
- 35 (4) Said addendum shall be certified and signed by a representative with
36 knowledge of the subject matter as to the accuracy of the addendum contents,
37 under oath and under the penalty of perjury, and witnessed by a notary public.

38 4. On or before December 31, 2015, the state auditor shall set forth by
39 rule a procedure for including the addendum information required by this
40 section. The rule shall also allow reasonable opportunity for demonstration of
41 compliance without unduly burdensome calculations **by allowing any county,**

42 **city, town, or village that receives from fines, bond forfeitures, and**
43 **court costs in all municipal court cases during the reporting year in an**
44 **amount that is less than the limit set forth in subsection 2 of this**
45 **section of its annual general operating revenue to file a statement with**
46 **the state auditor confirming such facts, and such statement will**
47 **constitute compliance with the provisions of this section.**

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.

✓

Unofficial

Bill

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