

SECOND REGULAR SESSION

SENATE BILL NO. 553

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5121S.011

AN ACT

To repeal sections 302.341, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof six new sections relating to municipal courts.

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

Section A. Sections 302.341, 479.020, 479.350, 479.353, 479.359, and
2 479.360, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 302.341, 479.020, 479.350, 479.353, 479.359, and 479.360, to
4 read as follows:

302.341. [1.] If a Missouri resident charged with a moving traffic
2 violation of this state or any county or municipality of this state fails to dispose
3 of the charges of which the resident is accused through authorized prepayment
4 of fine and court costs and fails to appear on the return date or at any subsequent
5 date to which the case has been continued, or without good cause fails to pay any
6 fine 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

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

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. The provisions of subsection 1 of this section shall not apply to minor
28 traffic violations as defined in section 479.350.]

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 **from an original charge** that does not involve an accident
23 or injury, that does not involve the operation of a commercial motor vehicle, and
24 for which [no points are assessed by the department of revenue or] the
25 department of revenue is authorized to assess [one to] **no more than** four points
26 to a person's driving record upon conviction. Minor traffic violation shall include
27 amended charges for any **offense originally charged as a** minor traffic
28 violation. Minor traffic violation shall exclude a violation for exceeding the speed
29 limit by more than [nineteen] **fifteen** miles per hour or a violation occurring
30 within a construction zone or school zone. **Minor traffic violations shall**
31 **exclude charges involving operating a vehicle without insurance;**

32 (4) "Municipal ordinance violation", a municipal or county ordinance
33 violation prosecuted for which penalties are authorized by statute under sections
34 64.160, 64.200, 64.295, 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and 89.490,
35 **involving an owner-occupied property.** Municipal ordinance violation shall
36 include amended charges for 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 court
5 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) [A person shall not be placed in confinement for failure to pay a fine
18 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)] Court costs that apply shall be assessed against the defendant unless
22 the court finds that the defendant is indigent based on standards set forth in
23 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 limitations as to fines and**
31 **punishment set forth in this section shall not apply.**

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

23 [(6)] (5) No additional charge shall be issued for the failure to appear for
24 a minor traffic violation;

25 [(7)] (6) The municipal court conducts proceedings in a courtroom that
26 is open to the public and large enough to reasonably accommodate the public,
27 parties, and attorneys;

28 [(8)] (7) The municipal court makes use of alternative payment plans;

29 [(9)] (8) The municipal court makes use of community service
30 alternatives [for which no associated costs are charged to the defendant]; and

31 [(10)] (9) The municipal court has adopted an electronic payment system
32 or 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.

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