

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 553**  
99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DIXON.

Offered March 27, 2018.

Senate Substitute adopted, April 26, 2018.

Taken up for Perfection April 26, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5121S.05P

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**AN ACT**

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

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

Section A. Sections 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 2 479.353, 479.359, and 479.360, RSMo, are repealed and nine new sections enacted 3 in lieu thereof, to be known as sections 67.410, 143.783, 302.321, 302.341, 4 347.048, 479.020, 479.353, 479.359, and 479.360, to read as follows:

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,

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

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.]

49         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] **2018**, the state auditor shall set forth  
39 by 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] **2018**, the state auditor shall set forth  
34 by 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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