

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting section 9308., Jackson County Code, 1984, relating to the Anti-Drug Sales Tax, and renumbering subsequent sections accordingly.

ORDINANCE 2511, February 5, 1996

INTRODUCED BY John Patrick Burnett, County Legislator

WHEREAS, a portion of the proceeds of the County's anti-drug sales tax imposed pursuant to §9301. of the County Code is authorized to be used for "judicial processing of adult and juvenile violators of drug related offenses;" and,

WHEREAS, the appointment of defense attorneys for those accused of drug related offenses who are unable to afford an attorney is included within the scope of "judicial processing;" and,

WHEREAS, article II, § 16.40 of the County Charter gives the Legislature the power to "establish and maintain, or provide for the financial support of, programs providing legal aid or services in both civil and criminal matters to indigent persons in the county;" and,

WHEREAS, it is in the best interests of the health, welfare, and safety of the citizens of Jackson County that the Legislature establish a program to provide for the representation by qualified attorneys of indigents charged with drug related offenses in the Circuit Court of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 9308., Jackson County Code, 1984, is hereby enacted, to read as follows, with existing subsequent sections to be renumbered accordingly:

9308. County Counselor to Serve as Coordinator of Drug Defense.

The county counselor shall serve as the county's coordinator of matters relating to the appointment of attorneys to defend indigent persons charged with drug-related offenses.

The duties of the county counselor in this regard shall include, but shall not be limited to, the following:

9308.1 Standards for Appointed Counsel.

The county counselor shall develop standards and qualifications for attorneys which, if met, will evidence an attorney's ability to competently and professionally represent indigent persons charged with drug related offenses.

9308.2 Fee Schedule.

The county counselor shall develop and publish a schedule of fees, which may be flat, hourly, or daily rates, or any combination thereof, and which are appropriate for the representation of indigent persons charged with drug related offenses.

9308.3 Listing of Qualified Attorneys.

The county counselor shall ascertain from attorneys possessing the required qualifications and meeting the published standards their interest in representing indigent persons charged with drug related offenses and shall prepare and publish a listing of same. The listing shall be kept current and updated as necessary.

9308.4 Provide Listing to Circuit Court.

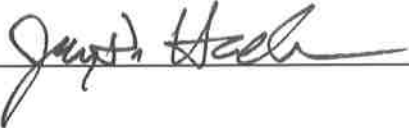
The county counselor shall provide the listing of qualified attorneys to the circuit court for the court's consideration for appointment as defense counsel for indigent persons charged with drug related offenses.

9308.5 Approve Payment.

Upon application for attorney's fees and expenses filed by an attorney who is included on the county counselor's listing, who has been appointed by the circuit court to represent an indigent person charged with a drug related offense, and whose representation of said indigent person in the circuit court has been completed, the county counselor shall approve for payment, out of funds appropriated for that purpose, a fee according to the established fee schedule. No fee application by any attorney not on the county counselor's listing shall be paid out of county anti-drug sales tax funds.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:

 _____
County Counselor

I hereby certify that the attached Ordinance, Ordinance #2511 introduced on February 5, 1996, was duly passed on February 5, 1996 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 0
Abstaining 0 Absent 1

This Ordinance is hereby transmitted to the County Executive for her signature.

2-5-96
Date


Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2511.

Date

Katheryn J. Shields, County Executive



KATHERYN SHIELDS

JACKSON COUNTY EXECUTIVE

JACKSON COUNTY COURTHOUSE
415 EAST 12th STREET
Kansas City, Missouri 64106

(816) 881-3333
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ORDINANCE RETURN

**TO: MARY JO BROGOTO, CLERK
JACKSON COUNTY LEGISLATURE**

MEMBERS OF THE COUNTY LEGISLATURE

**FROM: KATHERYN J. SHIELDS
COUNTY EXECUTIVE**

DATE: February 5, 1996

RE: ORDINANCE 2511

Ordinance 2511 blurs the line of authority between the Legislature and the Judiciary without affecting what the Legislature perceives as a problem.

I am returning this Ordinance without the signature of the County Executive, for your reconsideration.


Katheryn J. Shields, County Executive

Dated: Feb 5, 1996

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