

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** repealing section 5245., Jackson County Code, 1984, relating to the penalty for driving while revoked, and enacting in lieu thereof, one new section relating to the same subject.

**ORDINANCE #4204**, March 29, 2010

**INTRODUCED BY** Dennis Waits and Henry C. Rizzo, County Legislators

WHEREAS, the Prosecuting Attorney of Jackson County, Missouri prosecutes misdemeanor charges under state statutes in the Circuit Court of Jackson County, Missouri for persons who are operating motor vehicles without a valid operator's license; and,

WHEREAS, a great number of these charges come from municipal law enforcement agencies such as the Kansas City Police Department; and,

WHEREAS, a need has been identified by the Circuit Court of Jackson County, Missouri, and the Prosecuting Attorney for a number of such charges to be referred to the attention of the County Municipal Court and prosecuted by the Office of the County Counselor; and,

WHEREAS, amendment of the County Code to provide for such referral of municipal law enforcement complaints is required; and,

WHEREAS, such amendment will provide an additional source of revenue from fines through the County Municipal Court at no additional cost to the County's law enforcement

system; and,

WHEREAS, the Prosecuting Attorney and the Administration recommend this change in the County Code; and,

WHEREAS, the amendments embodied in this Ordinance are in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

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

Section A. Enacting Clause. Section 5245., Jackson County Code, 1984, is hereby repealed and one new section enacted in lieu thereof, to be known as section 5245., to read as follows:

5245. Driving While License or Driving Privilege Is Suspended or Revoked.

5245.1 No person shall operate any motor vehicle upon any highway, roadway, or alleyway while that person's license and driving privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued by the Missouri Director of Revenue pursuant to the provisions of sections 302.010--302.340, 302.500--302.540, 303.041, 544.046, or chapter 577, RSMo, whether that person's license and driving privilege is that of a resident or a nonresident. Notwithstanding the scope established by Section 5200, section 5245 shall apply

to any and all highways, roadways and alleys within Jackson County.

5245.2 The County Municipal Court shall not suspend imposition of the sentence nor suspend execution of sentence of such person, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight (48) consecutive hours of imprisonment unless, as a condition of such parole or probation, such person performs at least ten (10) days involving at least forty (40) hours of community service under the supervision of the County Municipal Court or pays a fine. The Court may also require such persons charged under this section to attend and successfully complete educational programs regarding the consequences of driving without a license and failing to have liability insurance as may be jointly designated by the County Municipal Court and the County Executive in lieu of a conviction on said charges . The Court may also require that each person provide proof of reinstatement of driving privileges and proof of current insurance before probation or parole can be terminated.

5245.3 In the event that a municipal law enforcement agency presents evidence for charges, with a history of multiple violations of this provision or multiple violations of similar laws within that municipality, to the Prosecuting Attorney of Jackson County for the filing of state felony or misdemeanor charges, the Prosecuting Attorney of Jackson County may elect to refer the proposed charges to the County Counselor for the filing of charges under this section in the County Municipal Court.

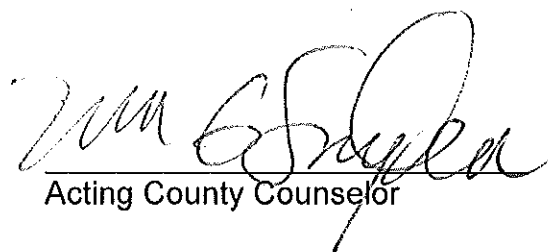
5245.4 The County Counselor shall cooperate with the Court Administrator of the County Municipal Court in providing for notification of court dates to defendants and the issuance of warrants for non-appearance.

5245.5 The County Municipal Court may establish special dockets for the disposition of such referred charges.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy/Assistant County Counselor

  
\_\_\_\_\_  
Acting County Counselor

I hereby certify that the attached Ordinance, Ordinance #4204 introduced on March 29, 2010 was duly passed on April 5, 2010, by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

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

4.6.10  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4204.

4/06/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael D. Sanders, County Executive