

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 1300., 1301., 1302., 1303., 1304., 1305., 1306., 1307., 1308., 1309., 1310., and 1810., Jackson County Code, 1984, relating to court costs and enacting, in lieu thereof, two new sections relating to the same subject.

ORDINANCE NO. 4690, November 17, 2014

INTRODUCED BY Theresa Garza Ruiz and Crystal Williams, County Legislators

WHEREAS, with the adoption of House Bill 1238 (Laws 2014), the Missouri General Assembly has authorized an increase from \$2.00 to \$4.00 per case in the court cost for criminal cases, with the proceeds to be used for providing operating expenses for shelters for battered persons; and

WHEREAS, it is appropriate that this increase be authorized in the case of the county municipal court, and that this cost be authorized for the first time in the case of criminal cases filed in circuit court; and

WHEREAS, with the adoption of chapter 18 of the Jackson County Code, relating the county municipal court, existing sections 1300. – 1310. of the code, relating to court costs and proceedings in the former magistrates court, have become surplussage and unnecessary, and should be repealed; and

WHEREAS, the adoption of this Ordinance is in the best interest's 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 1300., 1301., 1302., 1303., 1304., 1305., 1306., 1307., 1308., 1309., 1310., and 1810., Jackson County Code, 1984, are hereby repealed, and two new section enacted in lieu thereof, to be known as section 1312. and 1810., to read as follows:

[1300. Ordinance Violation, Costs.

In addition to any fine imposed by the Magistrate Court as authorized by law and by ordinance on a person convicted of an ordinance violation, the Magistrate Court shall, in addition to those costs taxable under state law, tax the following costs against the defendant on conviction.

1 Magistrate Fee.

A magistrate fee of two dollars and fifty cents (\$2.50) shall be taxed.

2 Magistrate Cost.

A magistrate cost of two dollars and fifty cents (\$2.50) shall be taxed.

3 County Counselor Cost.

A county counsel or cost of ten dollars (\$10) shall be taxed.]

[1301. Payment.

The costs set forth in Sections 1300.01, 1300.02 and 1300.03 are to be paid into the court at the time of payment of the fine.]

[1302. Costs Paid Into General Revenue Fund.

All costs except the magistrate fee assessed by the court shall be paid into the general revenue fund of Jackson County.]

[1303. Ordinance Violations, Witness Compensation.

The following amounts shall be allowed and paid to witnesses subpoenaed by the court to appear in ordinance violation cases.

1. Witness Fee.

The amount allowed and paid as a witness fee for each day of service shall be one dollar and fifty cents (\$1.50) per day.

2. Witness Mileage.

The amount allowed and paid a witness mileage shall be ten cents (\$.10) per mile.]

[1304. When Payment Due Witnesses.

Witness fees and mileage shall be allowed and paid only to witnesses subpoenaed by the court and only on presentation of the subpoena duly signed and with the seal of the court on it.]

[1305. Sworn Statement.

Persons paying witness shall obtain a sworn statement of the number of days served and mileage traveled.]

[1306. Signed Receipt.

Persons paying witnesses shall take a signed receipt for the fee.]

[1307. Unclaimed Witness Compensation.

Any witness fee or mileage allowance not claimed within one (1) year from the date of service shall be paid into the general revenue fund of Jackson County.]

[1308. Maximum at Cost of County.

If the complaint or affidavit alleges a county ordinance violation is signed by a person other than a peace officer or the county counselor, the prosecuting witness and the defendant shall each be allowed to subpoena three (3) witnesses and witness fees and mileage allowances shall be taxed at the time of judgment as provided in Sections 1303.00 through 1307.00.]

[1309. Costs Paid Additional Witness.

If either party shall want more than three (3) witnesses each, that party shall pay into the court the sum for each witness over three (3) at the time that party asks for the additional witnesses to subpoenaed.]

[1310. Defendant Discharged or Acquitted.

If the complaint shall be signed by a person other than a peace officer or county counselor and the defendant is discharged or acquitted, the magistrate may at his discretion adjudge the prosecuting witnesses to pay the costs.]

1312. Additional Surcharge, Shelters for Battered Persons.

The official responsible for collecting court costs and fines shall, in addition to all other costs and surcharges authorized by law and this code, collect an additional surcharge in the amount of four dollars per case for each criminal case arising in circuit court.

1312.1 No Surcharge when Case Dismissed.

No surcharge shall be collected pursuant to this section in any proceeding where the proceeding or defendant has been dismissed by the court or where costs are to be paid by the state.

1312.2 Surcharge Proceeds, Distribution and Use.

Such surcharge shall be collected and disbursed as provided in sections 488.010-.020, RSMo. The surcharge proceeds shall be payable to the county. The county shall use such proceeds only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200-.230, RSMo.

1810. Court Costs.

1810.1 Generally.

Costs and procedures in the County Municipal Court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

1810.2 Specific Costs.

Specific items of court costs are as follows:

a. A fee of twelve dollars (\$12.00) shall be levied for each ordinance violation filed before a county municipal judge and in the event that a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant. Except as otherwise provided, the costs of this subsection are in lieu of other court costs. The costs herein provided shall be collected by the authorized clerk and deposited into the county treasury. Section 488.012(6), RSMo.

b. A surcharge of two dollars (\$2.00) shall be assessed for the violation of a county ordinance. No such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges collected

pursuant to this subsection shall be transmitted to the County Director of Finance and Purchasing for deposit in a fund law enforcement training in accordance with section 488.5336.1, RSMo.

c. A surcharge of one dollar (\$1.00) shall be assessed for the violation of a county ordinance. No such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges collected pursuant to this subsection shall be transmitted to the State Treasury to the credit of the peace officer standards and training commission fund created in section 590.178, RSMo. Section 488.5336.2, RSMo.

d. A surcharge of ~~two~~ four dollars (~~2~~4.00) shall be assessed for the violation of a county ordinance, except that no surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges levied pursuant to this subsection shall only be used for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo. Section 488.607, RSMo.

e. A surcharge of seven dollars and fifty cents (\$7.50) for the "Crime Victims' Compensation Fund" shall be assessed as costs and distributed

in the manner provided in section 595.045, RSMo, for violation of any county ordinance, except that no surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. 488.5339, RSMo.

f. In addition to any other penalties imposed, the court may order a defendant who pleads guilty or is found guilty of violation of or any alcohol or drug-related traffic offense to reimburse the County for the costs associated with his arrest, including the reasonable cost of making the arrest, the cost of any chemical tests to determine the alcohol or drug content of the defendant's blood, and the cost of processing, charging, booking and holding the defendant in custody. The Sheriff may establish a schedule of such costs for submission to the court. The costs herein provided shall be collected by the authorized clerk and deposited into the county treasury for deposit in a fund for the provision of services by sheriff. Section 488.5334, RSMo.

g. A surcharge of one dollar (\$1.00) shall be assessed for violation of a county ordinance, except that no such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. Such surcharge shall be collected by the clerk of the court and paid to the credit of the independent

living center fund established by section 178.653. RSMo. Section 488.5332, RSMo.

h. A surcharge of one dollar (\$1.00) shall be assessed for violation of a county ordinance, except that no such surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. Half of all moneys collected pursuant to this subsection shall be payable to the state treasurer for deposit to the credit of the "Missouri Office of Prosecution Services Fund" created by section 56.765.2, RSMo. Half of all moneys collected shall be payable to the county treasurer who shall deposit all of such funds into the county treasury in a separate fund to be used solely for the purpose of additional training for prosecuting attorneys and their staffs in accordance with the requirements of section 56.765.3, RSMo. Section 488.5017, RSMo.

i. A fee of twenty-five dollars (\$25.00) shall be assessed for violation of a county ordinance, except that no such fee shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. All such fees shall be payable to the county treasurer, who shall deposit those funds in the county treasury.

j. A surcharge in the amount of two dollars (\$2.00) shall be assessed for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the spinal cord injury fund created in section 304.027, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county.

k. A surcharge in the amount of one dollar (\$1.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the motorcycle safety trust fund created by section 302.137.1, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county.

l. A surcharge in the amount of two dollars (\$2.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the head injury fund created by section 304.028.1, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county.

m. A fee of two dollars (\$2.00) shall be assessed for violation of a county ordinance, except that no such fee shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. All such fees shall be payable to the county treasurer, who shall deposit those funds in an Inmate Security Fund, to be utilized to develop biometric identification systems to ensure that inmates can be properly identified and tracked within the County jail system. Section 488.5026, RSMo.

n. A surcharge in the amount of four dollars (\$4.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, according to section 56.807 RSMo, shall be utilized by the county treasurer for payments required to be made pursuant to section 56.807, RSMo for the Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Fund. No such surcharge shall be collected when the court has dismissed the charge against the defendant, when the costs have been waived or are to be paid by the county, or against any person who has pled guilty and paid his or her fine in the central violations bureau established pursuant to section 476.385.4, RSMo.

1810.3 Costs Not Assessed, When.

Costs shall not be assessed as provided in this section in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. Additionally, the costs authorized in subsection 1810.2(f) may be reduced if the court determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

1810.4 Other Charges.

Costs authorized by this section are in addition to service charges, witness fees, and jail costs that may otherwise be authorized to be assessed.

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

APPROVED AS TO FORM:

Jan D. Hall
Chief Deputy County Counselor

W. Stephen Dixon
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4690 introduced on November 17, 2014, was duly passed on *November 24*, 2014 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9
Abstaining 0

Nays 0
Absent 0

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

 11.24.14
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4690.

 4/25/2014
Date

MDS
Michael D. Sanders, County Executive