

**BILL NO. 2224**

**ORDINANCE NO. 2224**

**AN ORDINANCE AMENDING CHAPTER 26 OF THE LADUE CODE OF ORDINANCES RELATING TO THE CITY'S COURT COSTS.**

**WHEREAS**, during preparation for the transition to the Show Me Court software, it was discovered that Section 26-28 of the Ladue Code of Ordinances did not conform to RSMo 488.5336; and

**WHEREAS**, Section 26-28 of the Ladue Code allowed for the non-collection of the fee for the Peace Officer Standards and Training Commission Fund on non-moving violations, even though the fee has been collected on non-moving violations as allowed by RSMo 488.5336; and

**WHEREAS**, RSMo. 479.260 permits each Municipal Court to establish a judicial education fund and an appointed counsel fund in separate accounts, by retaining one dollar of the fees collected on each case; and

**WHEREAS**, the Municipal Court determined the allocation of the one dollar fee collected shall be split equally between the two funds; and

**WHEREAS**, to ensure the City is prepared for the transition to the Show Me Court software, the City desires to codify its current court costs into one code section; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** Sections 26-28, 26-29, 26-30, 26-31, and 26-32 of the Ladue Code are hereby repealed in their entirety and a new Section 26-28 enacted, which reads as follows:

**Section 26-28. Court Costs**

**A.** As used in this Section, the following words and phrases shall mean:

**COURT COSTS**

The total of fees, miscellaneous charges and surcharges, imposed in a particular case.

**FEES**

The amount charged for services to be performed by the Court.

**MISCELLANEOUS CHARGES**

The amounts allowed by law for services provided by individuals or entities other than the Court.

## **SURCHARGES**

Additional charges allowed by law which are allowed for specific purposes designated by law.

**B.** In addition to any fine that may be imposed by the Municipal Judge, or where the accused has been found guilty, but no fine assessed, there may be assessed as court costs to the extent permitted by state law the following:

**1. Costs.** Costs of Court in the amount of twelve dollars (\$12.00) pursuant to Court Operating Rule (COR) 21.01(a)(5).

**2. Surcharges.**

**a. Police Officer Training.** Pursuant to Section 488.5336 RSMo., a surcharge of three dollars (\$3.00) is hereby established and may be assessed as costs for violations of municipal ordinances as provided by and under the conditions stated in Section 488.5336 RSMo. 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 municipality. The Court shall distribute the surcharge as follows:

**(1)** Two Dollars (\$2.00) shall be transmitted monthly to the Finance Director of the City and used to pay for Police Officer training as provided in Sections 590.100 to 590.180 RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

**(2)** One dollar (\$1.00) shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178 RSMo.

**b. Crime Victims' Compensation Fund.** Pursuant to Section 488.5339, RSMo., a surcharge of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection B.1 of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

**(1)** Ninety-five percent (95%) shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

**(2)** Five percent (5%) shall be paid to the City Treasury.

**c. Shelters for battered persons.** Pursuant to Section 488.607, RSMo., a surcharge of two dollars (\$2.00) may be assessed for the violation of the Municipal Code. The judge may waive the assessment in those cases where the defendant is found by the judge to be indigent or unable to pay the costs. Any such surcharge shall be collected and disbursed as provided in Section 488.607, RSMo., and 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.

- d. *Inmate Prisoner Detainee Security Fund.* Pursuant to Section 488.5026, RSMo., a two dollar (\$2.00) surcharge per case shall be assessed as costs in all cases, including an infraction and violation of a municipal ordinance, to be deposited into the "Inmate Prisoner Detainee Security Fund." Notwithstanding any other provision of law, the moneys collected by the Municipal Court shall be payable to the City and deposited into the "Inmate Prisoner Detainee Security Fund." The Inmate Prisoner Detainee Security Fund shall be utilized to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system or the local jail system. Upon the installation of the information sharing or biometric verification system, funds in the Inmate Prisoner Detainee Security Fund may also be used for the maintenance, repair and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees. If the amount of such surcharge is increased or decreased by an amendment to State law, the surcharge authorized to be collected hereunder shall automatically increase or decrease correspondingly.
  - e. *State Court Automation Fund.* Pursuant to Section 476.056 RSMo., in all cases for violation of any municipal ordinance, a surcharge of seven dollars (\$7.00) is to be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue for the State Court Automation Fund. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the violations bureau. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the court, when costs are waived, or when costs are paid to the state, county, or municipality.
3. *Judicial Education Fund and Appointed Counsel Fund.* Pursuant to Section 479.260 RSMo., the Municipal Court may establish a Judicial Education Fund and Appointed Counsel Fund in separate accounts under the control of the Municipal Court to retain one dollar of the fees collected on each case. Fifty cents (.50) of the one-dollar fee collected shall be allocated to the Judicial Education Fund and fifty cents (.50) shall be allocated to the Appointed Counsel Fund. The Judicial Education Fund shall be used only to pay for the continuing education and certification required of the Municipal Judges by law or Supreme Court rule; and judicial education and training for the Court Administrator and Clerks of the Municipal Court. The Appointed Counsel Fund shall be used only to pay the reasonable fees approved by the Court for the appointment of an attorney to represent any defendant found by the Judge to be indigent and unable to pay for legal representation, and where the Supreme Court rules or the law prescribes such appointment. Provided, further, that the Municipal Court shall not retain more than one thousand five hundred dollars (\$1,500.00) in the Judicial Education Fund for each Judge, Administrator or Clerk of the Municipal Court and no more than five thousand dollars (\$5,000.00) in the Appointed Counsel Fund. Any funds in excess of the prescribed fund limits shall be transmitted quarterly to the City's general revenue fund.
4. *Reimbursement of Costs of Arrest.* Upon a plea of guilty or a finding of guilty for an

offense of violating the provisions of municipal ordinances involving alcohol or drug-related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made under chapter 577 RSMo. to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The local law enforcement agency may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.

5. *Bad checks.* A person passing a bad check to the Court shall be prosecuted pursuant to Section 570.120, RSMo., and shall pay, in addition to all other fines, Court costs and fee, an administrative handling cost as set forth in Section 570.120.5, RSMo., and a reasonable service charge, which along with the face amount of the check, shall be turned over to the City as the person to whom the bad check was issued (see Section 570.120.6, RSMo.).
  6. *All other Court costs.* All other Court costs, fees, miscellaneous charges and surcharges authorized or required by statute.
- C. None of the Court costs authorized by Subsection B above shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the Court or when costs are waived or are to be paid by the City.
  - D. The Municipal Judge may decide not to assess Court costs against a defendant in those cases where the defendant is found by the Municipal Judge to be indigent and unable to pay the Court costs.
  - E. If the Statutory authority for any Court cost, fee, miscellaneous charge, and/or surcharge authorized by the City Council herein is repealed by the State legislature or is now or in the future found by a Court of competent jurisdiction to be an unauthorized Court cost, fee, miscellaneous charge or surcharge, then the City Council's grant of authority for such Court cost, fee, miscellaneous charge or surcharge shall be automatically repealed.

**Section 2.** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

**PASSED THIS 18TH DAY OF MARCH 2019.**

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President, City Council

**APPROVED AND ADOPTED THIS 18TH DAY OF MARCH 2019.**

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Nancy Spewak, Mayor

**ATTEST:**

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Laura Rider, City Clerk