

INTRODUCED BY: Councilmember Jeff Hales

DATE: February 25, 2019

**BILL NO. 9382**

**ORDINANCE NO: 7099**

**AN ORDINANCE AMENDING SECTION 125.260 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO ASSESSMENT OF SPECIAL COURT COSTS, SURCHARGES AND JUDGMENTS BY REPEALING SAID SECTION AND ENACTING A NEW SECTION 125.260 IN LIEU THEREOF; CONTAINING AN EMERGENCY CLAUSE.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 125.260 of the University City Municipal Code, relating to the assessment of special court costs, surcharges and judgments, is hereby amended by repealing Section 125.260 and enacting in lieu thereof a new Section 125.260, which shall read as follows:

Section 125.260. Assessment of Special Court Costs and Surcharges.

A. Crime Victims' Compensation Fund:

1. A surcharge of seven dollars fifty cents (\$7.50) shall be assessed as Court costs against a defendant in each Court proceeding for violation of a municipal ordinance except that no such fee shall be collected when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. The Clerk of the Municipal Court shall collect such Court costs.

2. At least monthly, ninety-five percent (95%) of the Court costs collected by the Municipal Court Clerk pursuant to this subsection shall be paid to the Missouri Director of Revenue for the Crime Victims' Compensation Fund and the Services To Victims' Fund, and the remaining five percent (5%) shall be paid into the City Treasury.

B. Peace Officer Standards and Training Commission Fund:

1. A surcharge of three dollars (\$3.00) shall be assessed as Court costs in each case involving violation of a municipal ordinance, provided that that no such fee shall be collected when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. The Clerk of the Municipal Court shall collect such Court costs.

2. Two dollars (\$2.00) of each such Court costs shall be transmitted monthly to the Treasurer of the City and used to pay for the peace officer training required as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain 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.

3. One dollar (\$1.00) of each such Court costs 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.

C. Shelters for Victims of Domestic Violence:

1. A surcharge of four dollars (\$4.00) shall be assessed in each case involving violation of a municipal ordinance. No surcharge shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. The Clerk of the Municipal Court shall collect such surcharge.

2. The surcharges collected by the Municipal Court Clerk pursuant to this subsection shall be disbursed to St. Louis County at least monthly to use only 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:

1. A surcharge of two dollars (\$2.00) shall be assessed as Court costs in each Court proceeding involving violation of a municipal ordinance, except that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. The Clerk of the Municipal Court shall collect such Court costs.

2. The surcharges collected by the Clerk of the Municipal Court pursuant to this subsection shall be paid to the City Treasurer not less frequently than monthly. The City Treasurer shall deposit the funds generated by the surcharge into the "Inmate Prisoner Detainee Security Fund." Funds deposited 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 short 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.

E. Statewide Court Automation Fund:

1. A surcharge of seven dollars (\$7.00) shall be assessed as Court costs in each case involving a violation of a municipal ordinance, except that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court or when costs are waived or are to be paid by the City. The Clerk of the Municipal Court shall collect such Court costs.


2. The surcharges collected by the Clerk of the Municipal Court pursuant to this subsection shall be paid to the Missouri Director of Revenue to the credit of the Statewide Court Automation Fund established by Section 476.055, RSMo.

Section 2. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by violation of Section 125.260, nor bar the prosecution for any such violation.


Section 3. An emergency is hereby declared to exist in that the Presiding Judge of St. Louis County Circuit Court has issued an Administrative Order that the City of University City utilize the Show-Me-Courts case management system no later than March 1, 2019; and to utilize said system the City must assess, collect and pay the Statewide Court Automation Fund surcharge established by this ordinance.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this 25<sup>th</sup> day of February, 2019.

  
MAYOR

ATTEST:

  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

  
CITY ATTORNEY

