

AN ORDINANCE OF THE CITY OF ST. MARY, MISSOURI, REPEALING ORDINANCE 951 AND DESIGNATING THE STE. GENEVIEVE COUNTY ASSOCIATE CIRCUIT AS MUNICIPAL COURT FOR ST. MARY, MISSOURI, ASSESSMENT OF COURT COSTS, PROVIDING FOR MUNICIPAL COURT BONDS AND PAYMENT IN LIEU OF COURT APPEARANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

ARTICLE I – MUNICIPAL COURT

SECTION 1 - Municipal Court

The 24th Judicial Circuit Court of Ste Genevieve County, Missouri is hereby designated as the Municipal Court of St. Mary, Missouri.

SECTION 2 - Effective Date

St. Mary shall transfer all of its records concerning the St. Mary Municipal Court in a timely manner, and the court shall be established in Ste. Genevieve, Missouri at the Ste. Genevieve County Circuit Courthouse, effective October 1st, 2019.

ARTICLE II – COURT COSTS

SECTION 1 – Court Costs

A. In addition to any fine that may be imposed by the Judge, there shall be assessed as costs in all cases where the Defendant pleads guilty or is found guilty the following:

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| 1. | Clerk Fee | \$15.00 | \$479.260 |
| 2. | Statewide Court Automation | \$ 7.00 | \$488.027 |

These monies shall be credited to the court automation fund and shall be paid to the State Treasurer to the credit of the statewide court automation fund.

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| 3. | Law Enforcement Training Fund | \$ 2.00 | \$488.5336 |
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These monies shall be credited to the law enforcement train fund and shall be paid to the St Mary Municipal Treasurer to be expended for the training required by §488.5336 of the *Missouri Revised Statutes*, providing that any excess funds not required to pay for such training may be used to pay for additional training for peace officers or for training other law enforcement officers employed or appointed by the City.

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| 4. | Victims of Domestic Violence | \$ 2.00 | \$488.607 |
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These monies shall be collected for the purpose of providing operating expenses for shelters of domestic violence established pursuant to *Missouri Revised Statutes* §§455.200 through 455.230. The Judge may waive assessment of this cost in cases where the defendant is found by the Judge to be indigent and unable to pay the costs.

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| 5. | Crime Victim's Compensation Fund | \$ 7.50 | \$595.045 |
| 6. | Inmate Security Fund | \$2.00 | \$488.5026 |
| 7. | Costs for issuance of a warrant, commitment, summons, subpoena, continuance or other process or proceeding as provided before the Associate Circuit Judge in criminal cases in the 24 th Judicial Circuit. | | |
| 8. | Apprehension and confinement costs shall be the actual costs assessed against the City by the County Sheriff. | | |
| 9. | Actual expense incurred in any other confinement facility. | | |
| 10. | Mileage in the same amount as authorized for the Sheriff for each mile or fraction thereof of an officer must travel (round-trip) in order to serve any warrant, commitment or order of the Court. | | |
| 11. | Sheriff Retirement Fund | \$3.00 | \$488.024 |

The City shall have an agreement with the State of Missouri to collect these funds and direct them to the Missouri Sheriff's Retirement Fund.

B. A trial de novo application shall be \$30.00 (§488.012)

SECTION 2 – Court Costs Assessment

The costs of any action may be assessed against the prosecuting witness and a judgment entered against the witness ordering the witness to pay the same and that the witness be committed until the costs are paid in any case where the Municipal Judge finds that the prosecution commenced vexatiously or without probable cause or, in such case when the prosecuting witness fails to appear without good cause, or upon appearing, refuses to testify on other constitutional grounds.

ARTICLE III – BAIL OR APPEARANCE COURT BONDS, FAILURE TO APPEAR, PAYMENT OF FINES AND COSTS IN LIEU OF APPEARANCE

SECTION 1 – Court Bonds

A. Any person arrested for violation, failure, neglect or refusal to comply with any provision, regulation or requirement of any ordinance may be admitted to bail by: executing a bail bond to the City with good and sufficient security to be approved by the Judge, or in his absence or inaccessibility, by the Clerk of the Court, in the amount of not less than \$2.00 and not more than \$500, conditioned that such person shall appear upon the day named therein (no later than 30 days from the date of the bond), before the Court and await the trial upon the charge against him.

B. Every bail bond shall be filed forthwith with the Clerk of the Court by the officer taking the bond, provided that no attorney, police officer or any officer of the City, whether elected or appointed, shall be taken as security upon any bail provided for in this Section.

C. In lieu of sureties on the bond, the Judge or in his absence or inaccessibility, the Clerk of the Court or in her absence or inaccessibility, may permit the posting of a cash bond, and the Chief of Police or the Assistant Chief of Police or any officer in charge of the police department, shall state on the bail bond the receipt of the cash deposit.

D. The City shall in no manner be responsible to any depositor of a cash bail bond. However, the person receiving the cash deposit shall be prosecuted by the City Attorney or other proper officer for failure to account for and pay over the deposit.

SECTION 2 – Failure of Defendant to Appear

A. If a defendant giving a bail bond on cash bond shall fail to appear when and where the case is called in the Court, the Judge may order the defendant to be apprehended and brought before him, or the Judge may render a

judgment or forfeiture for the full amount of the bond or deposit at which time the bond or deposit shall be forfeited.

B.

1. If a bail bond has been given, the amount of the judgment thereon shall be collected from the defendant and his sureties according to law, including the issuance of execution.
2. If a cash deposit has been made, and the deposit is declared forfeited, the deposit shall at once be delivered to the Chief of Police, who shall make an entry of its receipt as part of the record of the case and shall hold the money for 4 days, at the end of which the Chief of Police shall deliver the money to the City Clerk.

B. The Judge may, for good cause, set aside the forfeiture at any time within 4 days from the date of forfeiture.

SECTION 3 – Payment of Standard Fine and Costs in Lieu of Court Appearance

Except for those cases as designated by the Municipal Court that require the appearing in Court by the defendant or for any other offense that the officer who has written the citation indicates that the defendant must appear in Court, a defendant charged with a municipal ordinance violation may pay the standard fine and costs, as approved by the Judge, in lieu of a Court appearance, provided that the payment is made to the Court Clerk prior to the scheduled Court date.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall be in full force and effect from the date it is passed and approved.

PASSED AND APPROVED on this 22nd day of AUGUST, 2019.

MAYOR – GLORIA BADER

ATTEST:

CITY CLERK - DAVID B. WOODS

| <u>ALDERMEN</u> | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------------|------------|------------|----------------|---------------|
| Jennifer Schwartz | X | | | |
| Brian Helms | X | | | |
| Jennifer Weiss | X | | | |
| Cody Myers | | | | X |

I, David B. Woods, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly read and passed at a regular meeting of the Board of Aldermen of St. Mary, Missouri on this the 22nd day of August, 2019.

CITY CLERK - DAVID B. WOODS