

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 348-20

AN ORDINANCE

amending Chapter 15 of the City Code to establish the assessment of court costs associated with the Statewide Court Automation Fund; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 15 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 15-19. Court costs.

(a) *Definitions.* The following words and phrases, as used in this chapter, shall have the following respective meanings:

- (1) *Court costs.* The total of fees, miscellaneous charges and surcharges imposed in a particular case.
- (2) *Fees.* The amount charged for services to be performed by the court.
- (3) *Miscellaneous charges.* The amounts allowed by law for services provided by individuals or entities other than the court.
- (4) *Surcharges.* Additional amounts payable to the State of Missouri or other entities or payable to the city for specific designated purposes that are imposed for specific purposes designated by law and assessed by the court.

(b) *Court costs imposed.* In addition to any fine that may be imposed, the municipal judge may assess against the defendant as court costs any or all of the following costs, except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs:

- (1) *Court fees.* Court fees in the amount of twelve dollars (\$12.00) as set forth in RSMo § 479.260 RSMo and limited by RSMo § 488.012;

- (2) *Crime victims' compensation fund surcharge.* A surcharge in the amount of seven dollars and fifty cents (\$7.50) as imposed by RSMo § 595.045 for purposes of the crime victims' compensation fund established by the State of Missouri. Any sums collected pursuant to this subsection shall be distributed ninety-five (95) percent to the State of Missouri for deposit to the crime victims' compensation fund and five (5) percent to the city as reimbursement for the costs of collection of such state-imposed charge;
- (3) *Peace officer standards and training surcharge.* A surcharge in the amount of one dollar (\$1.00) as imposed by RSMo § 488.5336 for purposes of the peace officer standards and training commission fund created by RSMo § 590.178; provided, however, such surcharge shall not be assessed on any non-moving violations. Any sums collected pursuant to this subsection shall be distributed to the State of Missouri for deposit to the peace officer standards and teaching commission fund;
- (4) *Law enforcement training surcharge.* A surcharge in the amount of two dollars (\$2.00) as set forth in RSMo § 488.5336 for training law enforcement officers; provided, however, such surcharge shall not be assessed on any non-moving violations. Such surcharge shall be deposited with the director of finance who shall place such costs in a special account to be used for training law enforcement officers;
- (5) *Inmate prisoner detainee security surcharge.* A surcharge in the amount of two dollars (\$2.00) as set forth in RSMo § 488.5026. This surcharge shall be collected and deposited with the director of finance who shall place the funds in a special account to be called the "inmate prisoner detainee security fund." Funds in this account may be used only for acquiring, developing and maintaining biometric verification and information sharing systems, for expenses related to detention of prisoners and for any other purpose allowed by RSMo § 488.5026;
- (6) *Incarceration costs.* The actual and reasonable costs incurred by the city as determined by the municipal judge for transportation costs to and from jail plus the actual room, board and medical expenses as set forth in RSMo § 221.070;
- (7) *Alcohol related traffic offense cost recoupment.* The actual and reasonable costs incurred by the city as determined by the municipal judge for costs associated with the arrest for violation of any city ordinance involving alcohol or drug-related traffic offenses, including the cost of any chemical test 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 as set forth in RSMo § 488.5334; ~~and~~
- (8) *Statewide court automation fund surcharge.* In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance, or court rule, in every proceeding filed in the municipal division for violation of

an ordinance when the statewide court automation case management system is in operation, a surcharge of seven dollars (\$7.00) shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the Violations Bureau.

(8-9) *Other.* Any other fees as lawfully determined by the municipal judge to be assessed, including but not limited to, witness fees, probation service fees, credit card processing fees or other service charges.

(c) *Court costs prohibited, when.* Court costs shall not be assessed when the case is dismissed or when costs are to be paid by the state, county, or city.

(d) *No court costs on parking violations under certain circumstances.* The municipal court shall not assess court costs on any parking violation issued pursuant to City Code section 14-313, section 14-396, or section 14-426 that has been paid prior to the court date shown on the original summons issued for the parking violation.

(e) *Judicial waiver of court costs.* Nothing in this section shall be construed to prohibit or limit the authority of the municipal judge to waive fees, miscellaneous charges and surcharges imposed in a particular case in whole or in part.

(f) *Refund for overpayment of court costs.* No refund shall be required for overpayments of court costs of five dollars (\$5.00) or less, nor shall the clerk be required to pursue payment of unpaid amounts less than five dollars (\$5.00) as provided in RSMo § 488.014.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor