

SECOND REGULAR SESSION

HOUSE BILL NO. 1764

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARSON.

Read 1st time January 22, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4484L.02I

AN ACT

To repeal section 476.385, RSMo, and to enact in lieu thereof one new section relating to the establishment and adoption of certain fine schedules for the court, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 476.385, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.385, to read as follows:

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion to the severity of the violation. The [associate circuit judges] **appointing authority** of each county may [meet en banc and] adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance
16 for such violation.

17 2. In no event shall any schedule of fines adopted pursuant to this section include
18 offenses involving the following:

19 (1) Any violation resulting in personal injury or property damage to another person;

20 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
21 drugs;

22 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

23 (4) Fleeing or attempting to elude an officer.

24 3. There shall be a centralized bureau to be established by supreme court rule in order
25 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
26 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
27 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
28 guilty and payment of a fine, all court costs which would have been collected by the court of the
29 jurisdiction from which the violation originated.

30 4. If a person elects not to contest the alleged violation, the person shall send payment
31 in the amount of the fine and any court costs established for the violation to the centralized
32 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
33 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
34 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
35 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding
36 any provision of law to the contrary, the prosecutor shall not be required to sign any information,
37 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
38 payment is made pursuant to this section by credit card or similar method, the centralized bureau
39 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
40 on the recipient of the credit card payment by the credit card company.

41 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
42 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
43 having original jurisdiction over the offense. Any trial shall be conducted at the location
44 designated by the court. The clerk of the court in which the case is to be heard shall notify in
45 writing such person of the date certain for the disposition of such charges. The prosecutor shall
46 not be required to sign any information, ticket or indictment until the commencement of any
47 proceeding by the prosecutor with respect to the notice of violation.

48 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
49 a notice of violation pursuant to this section shall also receive written notification of the
50 following:

51 (1) The fine and court costs established pursuant to this section for the violation or
52 information regarding how the person may obtain the amount of the fine and court costs for the
53 violation;

54 (2) That the person must respond to the notice of violation by paying the prescribed fine
55 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
56 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
57 court may modify the suggested forms for uniform complaint and summons for use in courts
58 adopting the procedures provided by this section, in order to accommodate such required written
59 notifications.

60 7. Any moneys received in payment of fines and court costs pursuant to this section shall
61 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
62 of those persons or entities entitled to receive such funds pursuant to this subsection. All
63 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
64 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
65 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
66 interest earned on such fund shall be payable to the director of the department of revenue for
67 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
68 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
69 appropriations, only to the judicial branch of state government for goods and services related to
70 the administration of the judicial system.

71 8. Any person who receives a notice of violation subject to this section who fails to
72 dispose of such violation as provided by this section shall be guilty of failure to appear provided
73 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
74 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
75 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
76 guilty and request a trial within the time allotted by this section, for purposes of application of
77 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
78 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
79 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
80 by the court.

81 9. In addition to the remedies provided by subsection 8 of this section, the centralized
82 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
83 for the collection of court costs payable to courts, in order to collect fines and court costs for
84 violations subject to this section.

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