

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 482

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), ERVIN, BURNETT, DIEHL,  
SANDER AND ATKINS (Co-sponsors).

1164L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 479.260, RSMo, and to enact in lieu thereof one new section relating to the use of municipal court fees.

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

Section A. Section 479.260, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.260, to read as follows:

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo; provided that, each municipal court may establish a judicial education fund [in an account] **and an appointed counsel fund, each in separate accounts** under the control of the municipal court to retain one dollar of the fees collected on each case [and to use the fund] . **The fees collected**

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.

16 **shall be allocated between the two funds as determined by the court. The judicial**  
17 **education fund shall be used** only to pay for:

18 (1) The continuing education and certification required of the municipal judges by law  
19 or supreme court rule; and

20 (2) Judicial education and training for the court administrator and clerks of the municipal  
21 court.

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23 **The appointed counsel fund shall be used only to pay the reasonable fees approved by the**  
24 **court for the appointment of an attorney to represent any defendant found by the judge**  
25 **to be indigent and unable to pay for legal representation, and where the supreme court**  
26 **rules or the law prescribes such appointment.** Provided further, that no municipal court shall  
27 retain more than one thousand five hundred dollars in the **judicial education** fund for each  
28 judge, administrator or clerk of the municipal court **and no more than five thousand dollars**  
29 **in the appointed counsel fund.** Any excess funds shall be transmitted quarterly to the general  
30 revenue fund of the county or municipal treasury.

31 2. In municipal ordinance violation cases which are filed in the associate circuit division  
32 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections  
33 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge  
34 shall assess costs against the defendant except in those cases where the defendant is found by the  
35 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case  
36 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in  
37 this subsection are in addition to service charges, witness fees and jail costs that may otherwise  
38 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this  
39 subsection shall be collected by the municipal division clerk in municipalities electing or  
40 required to have violations of municipal ordinances tried before a municipal judge pursuant to  
41 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as  
42 provided in subsection 2 of section 479.080. Any other court costs required in connection with  
43 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

44 3. A municipality, when filing cases before an associate circuit judge, shall not be  
45 required to pay fees.

46 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a  
47 municipal ordinance violation case.

48 5. In municipal ordinance violation cases, when there is an application for a trial de  
49 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to  
50 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this  
51 section.

52           6. Municipalities by ordinance may provide for a schedule of costs to be paid in  
53 connection with pleas of guilty which are processed in a traffic violations bureau. If a  
54 municipality files its municipal ordinance violation cases before a municipal judge, such costs  
55 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files  
56 its municipal ordinance violations cases in the associate circuit division of the circuit court, such  
57 costs shall not exceed the court costs authorized by subsection 2 of this section.

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