

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 211054

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-1463, 2-1464, 2-1497 and 2-1499, relating to Municipal Court's court costs, records and reports, and enacting in lieu thereof four new sections of like number and subject matter.

WHEREAS, the Office of the State Courts Administrator (OSCA) recently conducted a review of Municipal Court operations to determine compliance with State Statutes, Supreme Court Rules and Court Operating Rules; and

WHEREAS, following such review, the OSCA provided the Municipal Court a report containing its recommendations; and

WHEREAS, the City is amending its Code of Ordinances to follow these recommendations; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 2-1463, 2-1464, 2-1497 and 2-1499, relating to Municipal Court's court costs, records and reports, and enacting in lieu thereof four new sections of like number and subject matter, to read as follows:

Sec. 2-1463. Costs and fees generally.

(a) For each municipal ordinance violation case ~~except nonmoving traffic violations~~ filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau wherein the defendant pleads guilty or is found guilty, the judge shall assess costs in the amount of \$12.00 against the defendant, except in those cases where the defendant is found by the judge to be indigent and unable to pay costs.

~~(b) For each nonmoving traffic violation filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau wherein the defendant pleads guilty or is found guilty, the judge shall assess costs in the amount of \$1.00 against the defendant, except in those cases where the defendant is found by the judge to be indigent and unusable to pay costs.~~

~~(e)~~(b) In addition to any costs which may be assessed by the court pursuant to subsection (a) ~~or subsection (b)~~ of this section or pursuant to other statute, ordinance or court rule, the court administrator is authorized to establish a schedule of fees designed to reflect the cost of providing other services, including the preparation of surrender papers, a certified copy of any record, a copy of any information, pleading or other document. No charge may be imposed under this subsection for the preparation of any such document for a governmental agency.

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(~~dc~~) Such costs as shall be assessed as part of the judgment or as otherwise provided in this section shall be collected by the court administrator and be paid into the city treasury as provided by law; however, in no case shall the city be liable for any costs assessed in the municipal division courts.

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Sec. 2-1464. Additional costs.

(a) *Costs for use in training of law enforcement officers.* 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, a surcharge of \$2.00 shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. Such surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer. Funds collected under this subsection shall be used by the city only to pay for the training of peace officers and law enforcement officers as provided by RSMo § 590.140.

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(b) *Peace officer standards and training commission fund.* Pursuant to RSMo § 590.140, an additional surcharge in the amount of \$1.00 shall be assessed to be paid to the state treasury to the credit of the peace officer standards and training commission fund. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. This surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer.

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(c) ~~Costs for use in funding of shelters for battered persons.~~ In addition to all other court costs for municipal ordinance violations, a surcharge of \$4.00 ~~for moving and general ordinance violations and \$3.00 for nonmoving violations~~ shall be assessed and used only for the purpose of providing operating expenses for shelters for battered persons as defined in RSMo §§ 455.200—455.230. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, the costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. The surcharge shall be collected by the court administrator and transmitted at least monthly to the city treasurer.

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(d) *Costs for use in a court information and records management system.* For each municipal ordinance violation case, ~~except nonmoving traffic violations filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau,~~ wherein the defendant pleads guilty or is found guilty, the court shall assess a surcharge in the amount of \$5.00 against the defendant, except in those cases where the defendant is found by the judge to be indigent and unable to pay costs. The surcharge shall be collected by the court administrator, transmitted monthly to the city treasury, and used only for the procurement, installation,

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maintenance, consulting services, and upkeep of a court information and records management system.

(e)– *Costs for use in developing a biometric identification system.* 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, ~~except nonmoving traffic violations filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau,~~ a surcharge of \$2.00 shall be assessed as costs. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected by the court administrator and transmitted to the city treasurer. The city treasurer shall deposit all such funds generated pursuant to this subsection in an "inmate security fund", which is hereby created. Such funds collected under this subsection shall be used by the city only to pay for the development of biometric identification systems as provided by RSMo § 488.5026.

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(f) *Costs for certain specialized courts.* Pursuant to RSMo § 488.2230, an additional surcharge in the amount of \$7.00 for ~~moving and general ordinance violations and \$3.00 for non-moving~~ violations shall be assessed to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. This surcharge shall be collected by the court administrator and transmitted at least monthly to the city treasurer.

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(g) *Costs for municipal courthouse renovation, maintenance and upkeep.* Pursuant to RSMo § 488.2235, an additional surcharge in the amount of \$5.00 for ~~moving and general ordinance violations and \$2.00 for non-moving~~ violations shall be assessed only to fund the restoration, maintenance and upkeep of the municipal courthouse of the Kansas City Municipal Division of the Sixteenth Judicial Circuit. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality; or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. This surcharge shall be collected by the court administrator and transmitted at least monthly to the city treasurer.

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Sec. 2-1497. Monthly statement to director of finance.

On ~~or before~~ the ~~first day~~15th of each month, the clerk of the municipal court shall file with the director of finance a ~~statement~~copy of the ~~total number of cases in each court during monthly case load summary report for the month next~~ preceding ~~such day, month that has been filed with the disposition made~~Office of them and the ~~aggregate amount of fines paid under this article.~~State Courts Administrator.

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Sec. 2-1499. Access to records.

The records, books and accounts required to be kept by the provisions of this division shall at all times be open to the inspection of the director of finance or other authorized city officer, or committee of the council, and the director of finance or auditor shall have the right at all times to take charge of such records, books and accounts for the purpose of examining them. The provisions of this section shall apply only to administrative records and shall not apply to any case files.

Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney

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