

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230823

Amending Chapter 2, Code of Ordinances, by repealing Section 2-1464, and enacting in lieu thereof a new section of like number and subject matter, for the purpose adding a new subsection (h) to authorize an additional surcharge of \$7.00, the Missouri statewide court automation program surcharge, for cases in the Kansas City Municipal Division of the 16th Judicial Circuit to be paid to the State of Missouri for participation in the statewide court automation program.

WHEREAS, Section 476.055, RSMo, established the Statewide Court Automation Fund, provided for a court automation committee to administer the fund, and directed the committee to develop and implement a plan for a statewide court automation system; and

WHEREAS, Missouri Supreme Court Operating Rule 1.01 specifies that the Missouri court automation committee has decision-making authority for all aspects of statewide court automation, including policy, technical, financial, and other aspects of statewide court automation; and

WHEREAS, Missouri Supreme Court Operating Rule 4.01 provides that the Missouri statewide court automation system is the uniform record keeping system for the circuit courts and is mandatory as to the form, style, and maintenance of records dealing with civil, criminal, juvenile, probate, mental health, family court, traffic, and municipal cases; and

WHEREAS, Missouri Supreme Court Operating Rule 4.01 further provides that any division of the circuit court may use its existing manual or automated system, and any upgrades approved by the state judicial records committee, until such time as the statewide court automation system is available for implementation in that division; and

WHEREAS, the Office of State Courts Administrator has notified the Kansas City Municipal Division of the 16th Judicial Circuit that the statewide court automation system is available for implementation in the Kansas City Municipal Division; and

WHEREAS, Section 476.056.1(1), RSMo, requires any city, county, village or other municipality to adopt an ordinance imposing the surcharge in the amount allowed, and payable in the manner provided by Section 488.027, RSMo.; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 2-1464, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

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.

(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 as provided by law.

(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 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.

(d) *Costs for use in a court information and records management system.* For each municipal ordinance violation case 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, 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 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.

(f) *Costs for certain specialized courts.* Pursuant to RSMo § 488.2230, an additional surcharge in the amount of \$7.00 for ordinance 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.

(g) *Costs for municipal courthouse renovation, maintenance, and upkeep.* Pursuant to RSMo § 488.2235, an additional surcharge in the amount of \$5.00 for ordinance 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.

(h) *Missouri statewide court automation program 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, a surcharge of \$7.00 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. Such surcharge shall only be applied in cases disposed of utilizing the statewide court automation system. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the court, when costs are waived, or when costs are to be paid by the City. Such surcharge shall be collected by the Court Administrator and transmitted monthly to the Office of State Court Administrator.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney