

**AN ORDINANCE TO ADD CHAPTER 135 CIRCUIT COURT OF TANEY COUNTY, MISSOURI, HOLLISTER DIVISION OF THE CODE OF THE CITY OF HOLLISTER, MISSOURI.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI AS FOLLOWS:**

**CHAPTER 135: CIRCUIT COURT OF TANEY COUNTY, MISSOURI, HOLLISTER DIVISION**

**Section 135.010 Court Established**

The Municipal Court shall hereafter be known as “Circuit Court of Taney County, Missouri, Hollister Division”.

**Section 135.020 Jurisdiction**

The Jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the Municipal Code.

**Section 135.030 Superintending Authority**

The Municipal Court shall be subject to the rules of the Circuit Court of Taney County, Missouri and the rules of the Supreme Court of the State of Missouri, and shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court of Taney County, Missouri.

**Section 135.040 Traffic Violations Bureau**

The City authorizes a Traffic Violations Bureau so that defendants may conveniently pay their fines and costs. Implementation and operation of the Bureau shall be at the discretion of the Circuit Court of Taney County, Missouri.

**Section 135.050 Duties of the City Prosecuting Attorney**

The City shall appoint the City Prosecuting Attorney, who shall prosecute the violations of the Municipal Code. The Salary or fees of the City Prosecuting Attorney and the expenses incurred in such prosecutions shall be paid by the City. The compensation of the City Prosecuting Attorney shall not be contingent upon the result in any case.

**Section 135.060 Punishment**

Whenever any defendant has entered a plea of guilty or has been found guilty of violation of a provision of the Municipal Code, the Judge shall make one or more of the following dispositions in any appropriate combination. The Judge may:

1. Sentence the defendant to a term of imprisonment as authorized by the Municipal Code.

2. Sentence the defendant to pay a fine as authorized by the Municipal Code.
3. Suspend the imposition of sentence and place the defendant on probation for a period not in excess of two years.
4. Pronounce sentence, suspend its execution, and place the defendant on probation for a period not in excess of two years.
5. Require the defendant to preform community service in lieu of payment of fine or in addition to the payment of fine.

**Section 135.070 Court Costs**

1. Court costs (CC): \$15.00.
  - a. A fee of fifteen dollars (\$15.00) is hereby established and assessed in each Court proceeding, including non-moving traffic violations; except that no such fee shall be collected in any Court proceeding when the proceeding or the defendant has been dismissed or defendant is found by the Judge to be indigent and unable to pay the costs.
2. Law enforcement training fee (LET): \$3.00.
  - a. A fee of three dollars (\$3.00) is hereby established and assessed in each Court proceeding, including non-moving traffic violations; except that no such fee shall be collected in any Court proceeding when the proceeding or the defendant has been dismissed or defendant is found by the Judge to be indigent and unable to pay the costs
  - b. Two dollars (\$2.00) of such fee collected shall be transmitted monthly to the Treasurer of the City to be used for training Law Enforcement Officers. One dollar (\$1.00) of such fees collected shall be deposited into the Peace Officer Standards and Training Commission Fund to be used statewide for training Law Enforcement Officers. The checks should be payable to the "Treasurer, State of Missouri". Address and mail checks after the last day of each month to: Budget Director, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102.
3. Crime victim's compensation (CVC): \$7.50.
  - a. A fee of seven dollars fifty cents (\$7.50) is hereby established and assessed in each court proceeding, including non-moving traffic violations; except that no such fee shall be collected in any Court proceeding when the proceeding or the defendant has been dismissed or defendant is found by the Judge to be indigent and unable to pay the cost.
  - b. Thirty-seven cents (\$0.37) of such fee collected shall be transmitted monthly to the Treasurer of the City. Seven dollars thirteen cents (\$7.13) of such fee collected shall be paid to the Missouri Department of Revenue, County Tax Division, P.O. Box 475C, Jefferson City, MO 65105.

4. Missouri Sheriff's retirement fee (MSR): three dollars (\$3.00).
  - a. A fee of three dollars (\$3.00) is hereby established and assessed in each Court proceeding, including non-moving traffic violations; except that no such fee shall be collected in any Court proceeding when the proceeding or the defendant has been dismissed or the defendant is found by the Judge to be indigent and unable to pay the costs.
  - b. Three dollars (\$3.00) of such fee collected shall be paid to the Missouri Sheriffs Retirement, P.O. Box 105257, Jefferson City, MO 65110 to be used for the purpose of providing a retirement fund for the Sheriff's Department.
6. State Court Automation Fee: (\$7.00).
  - a. Seven dollars (\$7.00) of such fee collected shall be paid to the Missouri Director of Revenue to the credit of the Missouri Statewide Automation Fund, as provided in Section 488.012.(5), RSMo, and Section 488.027.2, RSMo.

**Section 135.080 Suspension of Sentence Pending Educational Training Course**

When a defendant has entered a plea of guilty or has been found guilty of violating any Municipal ordinance involving the operation of a motor vehicle, the Court may suspend sentencing pending the successful completion by the defendant of a course of educational training designed to improve the safety habits of drivers, or may order a defendant to attend such a course in lieu of or in addition to the penalty otherwise provided.

**Section 135.090 Petition to Revoke Fine**

A defendant who has been sentenced to pay a fine may, at any time, petition the sentencing Court for a revocation of a fine or any unpaid portion thereof. If it appears to the Court that the circumstances which warranted imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the Judge may revoke the fine or the unpaid portion thereto in whole or in part, or may modify the method of payment.

**Section 135.100 Transmission to Circuit Clerk**

1. The City Clerk is directed to transmit a certified copy of this Chapter 135 of the Municipal Code to the Circuit Clerk of the Circuit Court of Taney County, Missouri.
2. This Ordinance shall be effective on April 1, 2021.

**READ THIS FIRST AND SECOND TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS 4<sup>TH</sup> DAY OF FEBRUARY 2021.**

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**David G. Tate, Mayor**

**ATTEST:**

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**Bridget Epps, City Clerk**