

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
MUNICIPAL DIVISION, CITY OF KIRKWOOD**

WHEREAS, The Governor of the State of Missouri has signed Senate Bill 5 (2015) into law, and its provisions relating to municipal courts and minor traffic violations go into effect on August 28, 2015; and

WHEREAS, the Missouri Supreme Court has ordered changes in Rule 37.65 effective July 1st, 2015 regarding failure to pay fines; and

WHEREAS the Court is mindful of the significant administrative tasks which the Municipal Court staff must now undertake to properly classify and account for minor traffic violations under Senate Bill 5; and

WHEREAS, the Court believes it will be less administratively burdensome to address some aspects of Senate Bill 5 and revised Rule 37.65 simultaneously as to all of its pending cases rather than conducting a case-by-case review, to the extent allowed by law;

**NOW THEREFORE, THE MUNICIPAL JUDGE OF THE CITY OF KIRKWOOD
ENTERS THE FOLLOWING ORDER:**

ORDER

As of the effective date of this Order, court staff is instructed to take the following actions with regard to municipal court cases currently pending in the City of Kirkwood:

1. For cases in which the Director of Revenue has suspended a defendant's drivers license pursuant to Section 302.341 RSMo. And such suspension remains in effect; the Court shall request the Department of Revenue to set aside the suspension pending final disposition.
2. For all cases in warrant status in which the defendant has pled guilty or been found guilty, the Court has assessed a fine, and such fine remains unpaid, the Court shall withdraw the warrant, assign the case to a regular docket, and, pursuant to 37.65, mail to the defendant's last known address a summons and an order to show cause why the defendant should not be held in contempt of court for failure to pay. The Court shall conduct a review of such cases as the individual defendants appear before the Court, wherein the Court will consider alternative dispositions, including payment plans, community service, and/or commuting fines for indigent defendants.
3. All pending charges Failure to Appear are dismissed sua sponte by the Court. No court costs will be assessed. The original charges giving rise to the failure to appear shall remain pending, if not previously disposed. No warrant fees or notification fees shall be assessed to defendant.
4. All active arrest warrants issued in this Municipal Court are hereby recalled. The Municipal City Prosecutor shall review all previous cases in warrant status and determine which cases the Prosecutor would like to proceed. The Prosecutor shall instruct the court clerk to place those selected cases on a docket as soon as practical and give the defendant the appropriate notice.
5. If a defendant fails to appear on his or her court date after receiving an order to show cause or appear in court and such notice is not returned to the Court as not deliverable, the Court may issue a warrant for the Defendant's arrest, and/or report the defendant's case to the Department of Revenue in accordance to Section 479.356 RSMo. To seek a setoff of such defendant's income tax return. DOR license suspensions shall not apply to minor traffic offenses.
6. All previous bond schedules are hereby rescinded.

7. Any person arrested for an ordinance violation shall be released on citation after processing and investigative needs have been completed, unless an officer believes there is sufficient articulable justification that the person is a significant risk to not appear in Court, or may present a danger to someone. In those instances the Officer, after supervisor approval, may seek the issuance of a warrant using a procedure approved by the Municipal Court. No person shall be held longer than twenty four (24) hours arrest without a warrant, as well as a signed complaint and information.
8. No person arrested with a Municipal Warrant may be held longer than forty eight (48) hours after arrest for minor traffic violations and not longer than seventy two (72) hours for any other municipal violation without providing the defendant an opportunity to be heard by a judge in person, by telephone, or video conferencing. This should be done as soon as practicable and if not given that opportunity, must be released with a future court date.
9. The court staff shall prominently display Rights of Defendants in the Court building as well as on the City's website. Rights of Defendants shall include notice that defendants will not be arrested for failing to pay a fine and that the court accepts partial payments which will be outlined in document form.
10. No fines on a minor traffic violation shall exceed \$300 including court costs and defendants shall not be sentenced to incarceration for minor traffic violations. The court will also consider partial payments as well as community service options in lieu of payment of fines.
11. Cases that are dismissed shall not include court costs.
12. Defendants shall not be detained in order to coerce payment of fines and costs
13. The court staff shall provide a financial statement form to any defendant to allow them to present evidence of their financial condition and the court will take that information into account in determining fines and costs and establishing related payment requirements or ordering community service in lieu of payment of fines.
14. The municipal court shall conduct court proceedings in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties, and attorneys.
15. The municipal court shall provide certification of compliance with each annual report to state auditors under Section 105.145 RSMo. and immediately implement a system to identify and track minor traffic violations so that calculations can be made at the appropriate time for compliance with those limits
16. City officials shall abide by Mack's Creek court revenue limits as outlined in Section 479.350-479.375 RSMo. and shall provide compliance to the State as required by law.
17. This Municipal Court Order shall also be prominently displayed in the court building as well as the city's municipal website.

SO ORDERED:

STEPHEN O'BRIEN
CITY OF KIRKWOOD MUNICIPAL JUDGE

EFFECTIVE DATE: AUGUST 28, 2015