

Municipal Judge (Section 479.070, RSMo)

Can serve in no more than five municipalities
Must be under 75 years of age

Municipalities To Provide Clerks, Courtroom (Section 479.060, RSMo)**Court Location (479.060 and 479.360.1, RSMo)**

Municipality 'shall provide a suitable courtroom in which to hold court.'

Proceedings are open to the public of all ages unless the municipal division orders otherwise in a particular circumstance for good cause shown

Americans with Disabilities Act of 1990, the clerk's office and the courtroom must be physically accessible to all persons, including persons with disabilities

Municipal Court Budget (COR 13)

Have its own operating budget set apart from other city departments' budgets. The municipal judge is responsible for preparing the budget and supervising expenditures.

Municipality and the municipal judge are unable to resolve a budget dispute, COR 13 gives either party the authorization to file a request for a settlement conference with the presiding judge of the circuit

Municipality may seek review of any recommendation of the presiding judge regarding the municipal division's budget request by filing a petition for review with the Judicial Finance Commission acting as the Municipal Finance Commission

Electronic Record Keeping Systems (Section 610.029, RSMo)

Courts keeping records in an electronic format are to provide access to its public records in a format that shall allow viewing and printing of those records to the greatest extent feasible

Copy Fees For Public Records (Section 610.026, RSMo)

Fees for copying records shall not exceed 10 cents per page
Hourly fee for duplicating time not to exceed the average hourly wage
Research time may be charged at the actual cost of research time

Municipal Division Operating Order (Section 479.172, RSMo)

Missouri Municipal and Associate Circuit Judges Association has created a model operating order for municipal divisions. It is recommended that the municipal divisions adopt the order

Order is intended to serve as a sample order for courts to use in implementing a local municipal division operating rule and local court rules

Notice of Rights for Defendants Appearing in Municipal Divisions (SCR 37.04C)

“Your Missouri Municipal Courts”, was approved by the Supreme Court of Missouri to notify defendants of their rights in Municipal Divisions

Lawful Enforcement of Legal Financial Obligations - A Bench Card for Judges (SCR 37.04D & SCR 37.65)

Courts may not incarcerate a defendant/respondent, or revoke probation, for nonpayment of a court-ordered legal financial obligation unless the court holds a hearing and makes one of the following findings:

1. The failure to pay was not due to an inability to pay, but was willful or due to failure to make bona fide efforts to pay; or
2. The failure to pay was not the fault of the defendant/respondent and alternatives to imprisonment are not adequate in a particular situation to meet the State's interest in punishment and deterrence.

If a defendant/respondent fails to pay a court-ordered legal financial obligation but the court, after opportunity for a hearing, finds that the failure to pay was not due to the fault of the defendant/respondent, but rather due to lack of financial resources, the court should consider alternative measures of punishment rather than incarceration.

Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges (SCR 37.04E)

The presiding circuit judge has the authority to take prompt and appropriate action in regard to the municipal division itself, to the municipal judge, or both, as appropriate, if the annual review or other information brought to the attention of the presiding circuit judge indicates that the municipal division or judge is having difficulty substantially complying with the law and minimum operating standards.

The presiding circuit judge must submit to the clerk of the Supreme Court of Missouri by October 1 of each year, each judge's executed minimum operating standards form referenced in [Appendix A](#) to Rule 37.04 and to provide a list of any judges or divisions that did not return the form for the most recent reporting period. The presiding judge can review and approve these reports utilizing the Municipal Division Management Portal, which can be accessed from the Court Information Center (CIC).

Municipalities May Establish a Violations Bureau (SCR 37.49)

Animal control, housing, or traffic violations
Municipality is required to have an ordinance
Judge shall designate a violations clerk

NOT PROCESSED THROUGH VB –

Any violation submitted by the prosecutor for disposition through a court appearance
Any violation for which a summons to appear is issued
Any violation resulting in personal injury or property damage to another person
Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs
Operating a vehicle with a counterfeited, altered, suspended, or revoked license
Fleeing or attempting to elude an officer
Any other violation excluded by law

Schedule of Fines (SCR 37.49)

Order must designate which offenses may be handled through the Violations Bureau and adopt the uniform fine schedule established by **Supreme Court Rule 37.495**

Must be prominently posted at the place where the costs and fines are to be paid and list the fine and costs to be imposed for each violation

Record Keeping

Section 479.070, RSMo, provides the municipal judge:

“...shall keep a docket in which he shall enter every case commenced before him and the proceeding therein and he shall keep such other records as required...”

Court Operating Rule 4.08

Prepare a docket sheet or a backer sheet for all cases

Court Operating Rule 4.11

Maintain a calendar system to facilitate compliance with time requirements established by statute or rule

Docket/Backer Sheet (COR 4.08) - official court record

Complete summary of all events in a case including traffic, municipal, conservation and watercraft cases

May be used if initiated by uniform citation

All case activity, such as filings of pleadings and any entries of orders and judgments are recorded on the docket or backer sheet by the clerk or the judge

Clerks shall be responsible only for docket entries into the automated system. They shall not be responsible for entries on a manual docket sheet

Judge should sign the final docket to indicate approval of the recorded disposition

Note: Orders or judgments entered on the docket sheet(s) or calendar by the judge or by the clerk must be signed by the judge or, if entered by the clerk, supported by a

memorandum in the case file signed by the judge. All other entries (i.e., papers filed, notification made, etc.) must be signed or initialed by the clerk

Court Calendar/Court Docket (COR 4.11) provides a listing of all events scheduled for a specific date, time, judge, and/or location

Public posting – confidential records should be excluded

The judge and the clerk MAY use a copy of the calendar as a worksheet to record the activity in each case during the court hearing. You can place all violations bureau (VB) cases on the docket for assistance with case tracking. This assists the court with case record keeping after the hearings on the docket are complete

Indexes To Cases (COR 4.09) ALL cases filed

Full name, case #, the date filed with the court and disposition

Judgment Index - name, judgment or sentence date, judgment or sentencing order
Confidential cases accessible only to authorized personnel

Reporting Requirements

DOR – Moving Traffic dispositions, alcohol/drug related traffic offenses (Including SIS)
ALL convictions while driving a commercial motor vehicle

Report within 7 days of disposition

Does NOT include the 10 day filing for trial de novo

Suspended Imposition of Sentence – SIS dispositions should be reported immediately and should not be held until probation is completed or fines have been paid in full

Fingerprint Reporting to the Missouri State Highway Patrol (Section [43.506](#), RSMo)

Missouri State Highway Patrol

ALL filings and dispositions on finger printable offenses

Within 30 days of disposition

Reporting to Office of State Courts Administrator (COR [4.28](#))

Municipal Division Summary Report (monthly)

By the 15th day of each month

Report electronically through the Municipal Division Management Portal on the Court Information Center

Reporting to the Municipality (COR [4.29](#))

List of cases heard - Use the Municipal Division Summary Reporting Form

Note: Reports submitted electronically to OSCA can be printed from the Municipal Division Management Portal and then sent to the municipality.

Note: The Municipal Division Summary Reporting Form is used to send information for multiple reports. This includes the Bi-Annual DWI (intoxication-related traffic offenses) report to the Presiding Judge of the Circuit Court en Banc. This form is also used for reporting the monthly case load summary for the preceding month to OSCA and to the municipality.

Intoxication Related Traffic Offenses (Section 479.172, RSMo)

Judge shall adopt a written policy requiring the reporting of all dispositions of all charges for intoxication-related traffic offenses to the central repository maintained by the Missouri State Highway Patrol (MSHP). This written policy shall be provided to the Office of State Courts Administrator (OSCA) and MSHP

Report every six months (Use the Municipal Division Summary Reports)

Submit the report to the circuit court en banc

No later than 60 days following the end of the reporting period

Minimum Operating Standards (SCR 37.04A)

September 1 of each year, every principal/chief municipal judge and every non-principal/non-chief municipal judge, shall certify to the Office of State Courts Administrator compliance with all the minimum operating standards. This certification should be submitted electronically utilizing the Minimum Operating Standards report from the Municipal Division Management Portal. The portal can be accessed from the Court Information Center (CIC).

Filing Procedures (Supreme Court Rules 37.34, and 37.35)

Municipal traffic and ordinance violations are filed and prosecuted by information and supported by a violation notice pursuant to the Supreme Court Rule (SCR). The information shall be in writing, **signed by the prosecutor**, and filed in the court having jurisdiction. An information may be the signed Uniform Citation or its own document.

Cash Bonds

1. Date file stamp (SCR 43.02(b)) each Bond form received from Law Enforcement.
2. File in the existing case file or place in the new case file when it is prepared. Make sure the case number is on the Bond form before filing.
3. Issue a receipt to the police department for the total amount received for each case or defendant.
4. Forward a copy of the bond form to the prosecutor if required by local court rule.

Surety Bonds, Property Bonds, Personal Recognizance (Non-monetary type bonds)

1. File the bond and any supporting documents in the case file.

Unclaimed Bonds (Section 447.595, RSMo)

Upon the termination of the court proceedings or probation period any bond being held by the court, less any outstanding court costs, should be refunded to the party

Bond that is unclaimed one year after the date it is due to be refunded shall be remitted to the Office of Missouri State Treasurer, Unclaimed Properties Section. Unclaimed bond money can be remitted to the Unclaimed Property Section at any time and courts are not required to wait one year to remit the funds.

Bond Forfeiture

- Judge Declares Forfeiture
- Schedule the Hearing (mail to defendant and sureties)
- Motion by Prosecutor (SCR 37.26) may be sent w/the hearing
- Bond Forfeiture Judgment Ordered – entry on file, disburse money accordingly

Unsatisfied Judgment Entered (Non-Monetary Bond)

- Provide Judgment to defendant/sureties
- Entry on file
- Review in 6 months

Unsatisfied Judgment after Six Months

- Report to Missouri Dept of Insurance
Investigations Section
P. O. Box 690
Jefferson City, MO 65102
Fax: (573)522-3630

Service of Summons or Warrant

A summons shall be issued unless the court finds that there are:

- Sufficient facts stated to show probable cause that an ordinance violation has been committed, and
- Reasonable grounds for the court to believe that the defendant will not appear upon the summons, or a showing has been made to the court that the accused poses a danger to a crime victim, the community, or any other person.

The summons may be served by:

- First class mail to the defendant's last known address

Failure to Appear In Response to a Summons (Supreme Court Rules [37.44](#) and [34.65](#))

If the defendant fails to pay fine and court cost the judge may issue a summons to show why defendant did not pay. If the defendant fails to appear in response to a summons and upon a finding of probable cause that an ordinance violation has been committed, the court may issue an arrest warrant.

After Hours Warrants for New Cases

Note: When the court is unavailable after business hours or on holidays or weekends, estimate the number of warrants that your court may process until the court staff is available.

- Assign a case ID number on each of the warrant forms you estimate law enforcement may need for the time period court staff will not be available, utilizing a uniform numbering system. (See [2.1 Case Initiation](#) of this manual for instructions on standard case ID numbering.)
- Use a case description of AFTER HOURS WARRANT and enter on each of the warrants you are preparing.
- Enter the agency ORI of the arresting agency that conducts most arrests for your court on each warrant.
- Keep a copy of each of the documents.

The Next Business Day Procedures for After-Hours Warrants

- Initiate a case for each after hours warrant utilized by law enforcement, using standard case initiation procedures. (See [2.1 Case Initiation](#) of this manual for instructions on initiating cases.)
- Change the case description to adhere to standards.
- Change the filing date on the after-hours warrant to the date the case was actually filed.
- Print a backer sheet and enter relevant details including details of the date the return of service was received.
- File copies of the warrant documents in the case file. File the case file alphabetically by defendant's last name in the file for Pending Service.

Disqualification by Judge (Sections 479.220 and 479.230, RSMo; SCR 37.53)

The judge must disqualify or recuse himself/herself if the defendant is a relative, has an interest in or has previously been counsel in the case, or when the attorney representing the prosecuting county or municipality in the case regularly serves as a judge in another municipal division located with the same county before whom the judge regularly represents a prosecuting county or municipality.

If a municipal judge is absent, sick or disqualified from acting, the presiding will designate a special municipal judge

The presiding judge may appoint any other municipal judge within the circuit or a competent, eligible person to act as a special interim municipal judge during a period of absence, sickness or disqualification upon request by the municipal judge or mayor. The municipal judge may, by written directive, delegate authority to the municipal court administrator or court clerk to notify and request the presiding judge of the circuit court designate a special municipal judge.

Certification of Case for Jury Trial

- motion filed at least 10 days prior to the scheduled trial date
- certified to the presiding judge for assignment to a circuit judge
- Make a copy of the case record for the municipal record
- Forward original case record to the circuit court
- Forward a check payable to the circuit court for any monies held (bond)
- Request the circuit clerk collect the fines and costs in any amounts due
- Request the circuit clerk advise the municipal division upon disposition if the case is required to be closed

Trial De Novo new trial held as though it had not been tried before

Application filed within 10 days of judgment – no extension for filing

Forward to the circuit court

- The application for trial de novo;
- The certified record and all related documents, including the original, signed citation, or Information;
- The \$30.00 trial de novo fee or if applicable, an affidavit of indigency;
- Any bond given as security in the case;

- A copy of the fee sheet, cost bill, or documentation indicating the municipal court costs assessed with the original disposition; and
- A request to the circuit clerk to advise you on disposition and to inform you of the amount of fine and costs assessed by the circuit court

If the violation is point assessable, forward to DOR the Record Revision Request form to stay the points

Upon notification from the circuit court of the disposition of the case, add or adjust court costs on the municipal court's case to agree with the municipal costs assessed by the circuit court at disposition

Pleas (SCR 37.58)

Judge must see any plea agreement signed by the prosecuting attorney and the defendant and/or the defendant's attorney. The judge shall not accept a plea of guilty unless said plea has been made knowingly and voluntarily by the defendant

Waiver of Counsel (SCRs 37.50 and 37.58)

Any person charged with an ordinance violation, whose conviction could result in confinement, may elect to waive counsel.

Fines (COR 21.06; SCR 37.65; Sections 479.350, 479.353, 546.902, and 559.607, RSMo)

Specific violations that have statutory limits for the fine amount:

- Failure to wear safety belt - \$10, no court costs (Section 307.178, RSMo)
- Failure to wear protective headgear - \$25, no court costs (Section 302.020, RSMo)
- Failure to provide proper child restraint system - \$50, plus court costs (Section 307.179, RSMo)

Minor Traffic and Municipal Ordinance Violations (Sections 479.350 and 479.353, RSMo)

Minor traffic and municipal ordinance violations fine amount shall not exceed the following limits including court costs:

- Minor traffic violation - \$225
- Municipal ordinance violations committed within the same 12 month period:
 - 1st violation - \$200
 - 2nd violation - \$275
 - 3rd violation - \$ 350
 - 4th and subsequent violations \$450

The maximum fine for other ordinance violations vary depending on the classification of the municipality.

- Charter Cities, 3rd, 4th Municipal Courts – Not to exceed \$500 and such imprisonment not exceeding three months, or both such fine and imprisonment. (Sections [77.590](#), [79.470](#), and [82.020](#), RSMo)
- Kansas City Municipal Court – Not to exceed \$1,000 or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment. (Section [82.300](#), RSMo)
- County Municipal Ordinance Courts – Not to exceed \$1,000 or imprisonment in the county jail for more than one year or both such fine and imprisonment. (Section [66.080](#), RSMo)
- St. Louis County Municipal Courts – Not to exceed \$1,000 and such imprisonment not exceeding three months, or both such fine and imprisonment, excluding minor traffic violations. (Section [546.902](#), RSMo)

Collection of Fines and Costs (COR [21.06](#); SCR [37.65](#); Section [488.5030](#), RSMo)

If the defendant cannot pay fine and costs in full the court shall grant the defendant a period of time to pay via payment agreement. A payment agreement lists the payment amount(s) and date(s) payments are due to the court.

COR [21.01](#) and Section [479.353](#), RSMo - For minor traffic violations and municipal ordinance violations, a person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation

No court costs shall be assessed if the defendant is found to be indigent or if the case is dismissed. Statement of Financial Condition may be used to determine indigency

Section [488.5030](#), RSMo, authorizes courts to contract with private entities operating under a contract with a state agency or the Office of State Courts Administrator to collect delinquent court costs

Dismissal (COR [21.01](#); Sections [479.353](#), [610.100](#), and [610.105](#), RSMo)

- records become confidential
- costs should not be assessed against the defendant in any case which is dismissed or nolle prossed

Suspended Imposition of Sentence (SIS)

- No points may be assessed against the defendant's drivers' license in traffic cases
- The defendant's case record is closed to the public when the "case is finally terminated."

Note: Section [302.345](#), RSMo, prohibits any court from deferring imposition of judgment, or suspending imposition of sentence (SIS) for any individual who possesses a commercial driver's license

Suspended Execution of Sentence (SES)

Points are assessed against the defendant's driver's license if the charge carries a point assessment penalty

Failure to Appear or Pay (Section [302.341](#), RSMo) do not apply to minor traffic violations

- fails to dispose of charges through the prepayment of fine and court costs;
- fails to appear on the scheduled court date or at any subsequent date to which the case has been continued or;
- fails to pay any fine or court costs assessed within a specified time period or in installments,
- Mail the FACT form, by regular mail, within 10 days of the FTA, to the last known address
- 30 days after FACT form mailed, Mail Suspension Notice to DOR
- Upon compliance provide compliance form to defendant for reinstatement

Nonresident Violator Compact traffic violations

Violations that are considered non-moving, non-point assessable in Missouri may be a moving, point assessable violation in another state

- Notification to violator on FTA
- 15 days after FTA notify MO DOR
- Upon compliance send compliance NRVC form to MO DOR

Traffic Offender Program

DRIVER IMPROVEMENT - The program provider shall notify the court if the defendant successfully completes or fails to complete the DIP. The program provider shall report completion or failure to DOR

Judge may stay points – however the offense remains on the driving record

Must be completed w/in 60 days

If not completed in 60 days points will be assessed by DOR

Cannot be accepted more than once w/in 36 months

Note: The court may order a defendant to complete a DIP program without staying the assessment of points. Only report DIP program completion or failure when the court has ordered a stay of assessment of points and the program is completed within 60 days of conviction.

Substance Abuse Traffic Offender Program (SATOP) (Sections 302.425, 302.574, and 302.580, RSMo)

- Pleads or is found guilty of alcohol or drug related traffic offense (court SHALL)
- Under 21 pleads guilty or is found guilty of any law involving the possession or use of alcohol (Court SHALL)

The program provider is responsible for completion paperwork to DOR

Abuse and Lose

The judge shall enter an order suspending or revoking the defendant's driving privileges and requiring the surrender of any driver's license if:

1. The defendant was represented by or waived the right to an attorney in writing; and
2. The defendant was **under 21 years of age** at the time the offense was committed and committed any of the following offenses:
 - any alcohol related traffic offense in violation of a state law or a county or municipal ordinance;
 - any offense in violation of a state law or a county or municipal ordinance involving the possession or use of alcohol, committed while operating a motor vehicle;
 - any violation of a state law or a county or municipal ordinance involving the possession or use of a controlled substance as defined in Chapter 195, RSMo;
 - any violation of a state law or a county or municipal ordinance involving the possession or use of alcohol for a second time; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age;

- alteration, modification, or misrepresentation of a license to operate a motor vehicle in violation of section [311.328](#), RSMo.

Note: The period of suspension for a first offense is 90 days; any second or subsequent offense results in a one year revocation of driving privileges.

Defendant Age 21 or Older

Order of Revocation of Driving Privileges and Surrender of License (Section [302.405](#), RSMo)

The judge shall enter an order revoking the defendant's driving privileges for one year and requiring the surrender of any license to operate a motor vehicle held by the defendant if:

- The defendant was **21 years of age or older** at the time the offense was committed; and
- The defendant violated any state, county, or municipal law involving the possession or use of a controlled substance

The law requires any surrendered license and the order of suspension or revocation be forwarded by the court to the Missouri Department of Revenue

The law requires any surrendered license and the order of suspension or revocation be forwarded by the court to the Missouri Department of Revenue

Expungement of Intoxication-Related Driving or Boating Records

Petitions/Applications for expungement of arrest records must be filed in the circuit court in which the municipal division is located

All records ordered to be expunged shall be destroyed. Minimally, expungement involves blacking out the name, address and any other identifying information on all court records, including the order of expungement after it has been mailed to the parties. File with disposed confidential cases

Expungement of Mistaken Identity Records petition or motion to the court where the charge was last pending on a form approved by the Office of State Courts Administrator and supplied by the clerk of the court for an order to expunge from all official records any entries relating to the person's apprehension, charge, or trial

Petitions/Applications for expungement of arrest records must be filed in the circuit court in which the municipal division is located

All records ordered to be expunged shall be destroyed. Minimally, expungement involves blacking out the name, address and any other identifying information on all court records, including the order of expungement after it has been mailed to the parties. File with disposed confidential cases

Municipal Fines & Court Costs (See cost card)

Total fines and court costs may not exceed \$225 on **minor traffic violations**, as defined in Section [479.350](#), RSMo

Total fines and court costs for **municipal ordinance violations**, as defined in section [479.350](#), RSMo, committed within the 12 months cannot exceed the following

- 1st violation - \$200
- 2nd violation - \$270
- 3rd violation - \$350
- 4th and subsequent violation - \$450

Minor traffic violation

does not involve an accident or injury

does not involve the operation of a commercial motor vehicle

1 – 4 points are assessed by DOR

Minor traffic violation shall include amended charges for any minor traffic violation

Excludes violations for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone

Municipal ordinance violation a municipal or county ordinance violation prosecuted for which penalties are authorized by statute under sections [64.160](#), [64.200](#), [64.295](#), [64.487](#), [64.690](#), [64.895](#), [67.398](#), [71.285](#), [89.120](#), and [89.490](#). Municipal ordinance violation shall include amended charges for municipal ordinance violations

Planning & Zoning

Building

Nuisance, Weeds, Trash

Inspection of Closed Records

- Refer the request to the judge
submit a request in writing or make an appointment to see the judge
- Do not advise the person the record is confidential
- Do not determine if the person making the request is legally entitled to inspect the record (unless it is the defendant)
- Make a docket entry in the case file regarding the application being filed and the judge's decision

Note: Every request may not have to be sent to the judge if there is a court approved policy allowing the clerk to authorize inspection in certain situations. When in doubt, always refer the request to a judge