

Clerk Handbooks

Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.01
Topic:	Rules - When Applicable	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	May 1, 2019

37.01. Rules - When Applicable

Rule 37 governs the procedure in all courts of this state having original jurisdiction of ordinance violations and the disposition of any such violation in a local violations bureau.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; Oct. 15, 2018, eff. May 1, 2019.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.02
Topic:	Rules - Authority for - Statutes and Ordinances Superseded	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.02. Rules - Authority for - Statutes and Ordinances Superseded

Rule 37 is promulgated pursuant to authority granted this Court by Section 5 of Article V of the Constitution of Missouri and supersedes all statutes, ordinances and court rules inconsistent therewith.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2004, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.03
Topic:	Rules - Construction	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.03. Rules - Construction

Rule 37 shall be construed to secure the just, speedy and inexpensive determination of ordinance violations.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04
		Publication / Adopted Date:	May 14, 1985
Topic:	Supervision of Courts Hearing Ordinance Violations	Revised / Effective Date:	July 1, 2017

37.04 Supervision of Courts Hearing Ordinance Violations

The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of all divisions of the circuit court hearing and determining ordinance violations within the circuit. Municipal divisions shall operate in substantial compliance with the minimum operating standards set out in Appendix A of this Rule 37.04. The judges of all such divisions shall be subject to the rules of the circuit court that are not inconsistent with this Rule 37.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004. Amended Sept. 20, 2016, eff. July 1, 2017.)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04A
		Publication / Adopted Date:	September 20, 2016
Topic:	Appendix A - Minimum Operating Standards for Municipal Divisions and Municipal Division Judges - Annual Certification Requirement	Revised / Effective Date:	July 1, 2018

Appendix A

Minimum Operating Standards for Municipal Divisions and Municipal Division Judges – Annual Certification Requirement

Minimum Operating Standard # 1: Municipal divisions and their judges shall ensure that when individuals must be held in jail in the interests of justice, this is done strictly in accordance with the principles of due process of law, including:

A. Municipal Divisions

- The municipal division is in compliance with the following requirements of section 479.360.1, RSMo:

Procedures exist to prevent defendants from being held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.

- The municipal division has made reasonable efforts to communicate to local law enforcement the 24-hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." See also section 544.170.1, RSMo, RSMo.
 - No additional charge is issued for failure to appear for a minor traffic violation.
- The municipal division has a duty judge available at all times to rule promptly upon warrants, bail and conditions of pretrial release, and other matters, without undue delay.
- Bond schedules are utilized **only** for persons arrested without a warrant and held no longer than 24 hours pursuant to sections 479.360.1(2) and 544.170.1, RSMo; Rule 37.17.
- The municipal division has procedures in place to ensure that when a case is dismissed by the prosecuting attorney or otherwise finally resolved, or when the circumstances that justified

issuance of a warrant no longer exist, the judge recalls and cancels any outstanding warrants in that case as soon as practicable.

- The municipal division has procedures in place to ensure that the recall and cancellation of outstanding warrants is communicated to law enforcement by the clerk without delay.

B. Municipal Division Judges

- Confinement to coerce payment of fines and costs is utilized only if found in contempt of court after strict compliance with the Due Process procedures of Rule 37.65, Section 479.353, RSMo.
- Warrants are issued **only** upon a finding that reasonable grounds exist to believe that the defendant will not appear upon a summons or that the accused poses a danger to a crime victim, the community, or any other person. Rule 37.43(b).
- Warrants are signed **only** by judges unless the exception of a **specific** warrant ordered by a judge to be signed by a clerk is applicable. Rule 37.45(b)(6).
- No person is sentenced to confinement on "minor traffic violations" or "municipal ordinance violations" with the exception of violations: involving alcohol or controlled substances; endangering the health or welfare of others; or involving eluding or giving false information to a law enforcement officer. Section 479.353(2), RSMo.

Minimum Operating Standard # 2: Municipal division judges shall inquire of defendants and allow them to present information about their financial condition when assessing their ability to pay and when establishing payment requirements for monies due.

- The judge complies with the following requirements of section 479.360.1, RSMo:
 - Defendants are allowed to present evidence about their financial condition in assessing their ability to pay and establishing payment requirements.
 - Alternative payment plans are utilized. See also Rule 37.65(a)(1)-(2).
 - Community service is utilized with no fee assessed to the defendant.
- Stay of execution procedures exist for defendants to pay fines and costs within a specified period of time or to make installment payments. Rule 37.65(a)(1)-(2).
- If probation fees are assessed, the judge does so in compliance with sections 549.525.2, 559.604, and 559.607, RSMo, including consideration of factors exempting a probationer from part or all of the standard monthly probation fee of \$30 to \$50 per month. The municipal division advises offenders of the right to request individualized consideration of exemption from paying probation fees and surcharges under these statutes.

Minimum Operating Standard # 3: Municipal division judges shall not condition an indigent defendant's access to a judicial hearing or the granting of probation upon the payment of fines or fees.

- If a defendant files an application for trial *de novo*, the payment of the statutory trial *de novo* fee shall be waived if the defendant qualifies as indigent.

- If the defendant requests a jury trial, the cause shall be transferred to the circuit court without prepayment of fees.
- Granting probation is not conditional upon the payment of anything other than lawfully authorized fees and probation is not denied solely because of the inability of the defendant to pay authorized probation fees and surcharges.

Minimum Operating Standard # 4: Municipal divisions and their judges shall neither assess nor collect unauthorized fines, costs, or surcharges.

A. Municipal Divisions

- The violation bureau schedule of fines and costs is prominently posted at the place where fines are to be paid. Rule 37.49(d).
- Only court costs (fees, miscellaneous charges, and surcharges as defined at section 488.010, RSMo,) authorized by state statute are assessed. The OSCA bench card on municipal division court costs shall be used as a reference. Sections 479.260.1, 479.360(5), and 488.012, RSMo; COR 21.01.
- DPC (Dismissal on Payment of Costs) is not permitted. Section 479.353(5), RSMo; COR 21.01(c).
- The municipal division has taken reasonable steps to ensure that, where applicable, the schedule of fines and costs is provided to an accused at the same time as a violation notice. Rule 37.33(b).
- If a violation bureau has been adopted, it processes only those violations authorized by Rule 37.49(c).

B. Municipal Division Judges

- Fines and costs assessed on "minor traffic violations" as defined at section 479.350(3), RSMo, shall not exceed \$225.00. Section 479.353(1)(a), RSMo.
- Fines and costs assessed on "municipal ordinance violations" as defined at section 479.350(4), RSMo, shall not exceed the mandatory maximum amounts authorized by section 479.353(1)(b), RSMo.
- Fines assessed on other ordinance violations do not exceed the maximum amount authorized by state law and the city code.
- The judge does not assess court costs against indigent defendants. Section 479.353(4)-(5), RSMo.
- The judge, in compliance with section 479.360.1(9), RSMo, makes use of community service with no fee assessed to the defendant.

Minimum Operating Standard # 5: All municipal judges shall be lawfully selected, lawfully

authorized to act in specific cases, and adequately prepared for their duties through appropriate training and continuing education.

A. Municipal Divisions

- All judge(s) serving in a municipality – full-time, part-time, substitute, and provisional – are selected pursuant to municipality's ordinance or charter before serving. Section 479.020.1, RSMo.
- The municipal division has a mechanism in place to check for judicial conflicts prohibited by Rule 37.53(b)(2), and the judge recuses in all instances when required to do so pursuant to this rule.
- Upon successful change of judge requests and recusals, the procedural requirements of Rule 37.53(d) and section 479.230, RSMo., are followed.

B. Municipal Division Judges

- Following applicable law, the judge follows rules cutting off or limiting the judge's authority to act in a case once a motion to disqualify, motion for jury trial, or motion for trial *de novo* is filed.
- The judge is in compliance with Rule 18, "Municipal Judge Continuing Education Requirements and Nonlawyer Certification."
- The judge has received instruction on laws related to intoxicated-related traffic offenses Section 479.172.1, RSMo.

Minimum Operating Standard # 6: Municipal divisions shall be operated in a manner reasonably convenient to the public and in facilities sufficient to the purpose.

- Courtrooms are suitable and meet due process requirements for all court attendees. Section 479.060.1, RSMo.
- The municipal division is in compliance with the following requirements of section 479.360.1, RSMo.:
 - The courtroom is open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys.
 - For minor traffic violations, procedures exist for electronic payment or payment by mail.
- The municipal division allows payments online and makes available free, online access to information about pending cases, outstanding warrants, and scheduled municipal division dockets,

OR

The municipal division is actively pursuing court automation to achieve compliance with allowing payments online and making available free, online access to information about pending cases, outstanding warrants, and scheduled municipal division dockets.

Minimum Operating Standard # 7: Municipal divisions shall be operated in a manner that upholds the constitutional principles of separation of powers and the integrity of the judiciary as a separate and independent branch of government.

- Informations are signed by the prosecutor. Rule 37.35(a).
- Clerks of court and other nonjudicial personnel do not perform any functions that constitute an actual or apparent conflict of interest with the impartial performance of their judicial duties. Work performed on behalf of law enforcement or the prosecuting attorney is one example of an actual or apparent conflict of interest.
- Clerks of court and other nonjudicial personnel, when performing court-related functions, work solely under the direction and supervision of the municipal judge, the circuit clerk, or another officer of the judicial branch as to the work to be performed and the manner in which it is to be done.
- Judges, clerks of court, and other nonjudicial personnel are not subject to informal pressure, formal discipline, firing, or threats of non-retention or non-reappointment at the conclusion of a term of office by officers and administrators of the municipal government resulting from the performance of judicial duties in a manner that upholds the independence of the judiciary.
- Judges, clerks of court, and other nonjudicial personnel are not subject to informal pressure, formal discipline, firing, or threats of non-retention or non-reappointment at the conclusion of a term of office by officers and administrators of the municipal government that are designed to encourage or require the municipal division to operate in such a way as to maximize the municipal revenues derived from municipal division operations or to meet specified revenue targets without regard to whether such goals or targets are communicated formally or informally to court personnel.
- Municipal division facility's exterior and interior signage, design, functionality, and other factors convey an appearance to the public that it is a separate and independent branch of government.

Minimum Operating Standard # 8: Municipal divisions shall be operated in accordance with the constitutional principles and legal requirements of open courts and open records.

- The municipal division has a municipal clerk available at least 30 hours per week during regular business hours and court sessions to whom the person can pay fines and from whom the person can obtain information about charges, payments and court operations. The clerk should be available in person during these hours in an office open and accessible to the public and may perform other functions for the municipality that do not constitute an actual or apparent conflict with the impartial performance of judicial duties. In the event the municipal division does not have sufficient staff to have a clerk available for all of the 30 hours in person, the clerk may instead be made available for up to 15 of the 30 hours to provide information about charges, payments and court operations through live communication by telephone, email, or other means of electronic communication.

- Proceedings in the municipal division are open to the public of all ages unless the municipal division orders otherwise in a particular circumstance for good cause shown.
- The courtroom facility is sufficient for the purpose of a courtroom. The courtroom is large enough to reasonably accommodate the public, parties, and attorneys. Section 479.360.1(7), RSMo. The facility chosen for court takes into consideration the safety and comfort of the public, parties, and lawyers. The facilities chosen uphold the integrity and independence of the judiciary as a separate branch of government.
- The municipal division allows members of the public and the news media access to open municipal division records in accordance with Court Operating Rules (COR) 2 and 4 and other relevant law.

Minimum Operating Standard # 9: Municipal division judges shall advise litigants of their rights in court.

- Defendants are given advice of rights pursuant to Rules 37.47, 37.48, 37.50, and 37.58.
- The judge assures that a "Notice of Rights in Municipal Division," in a form approved by or substantially similar to that approved by the Supreme Court, is provided to all defendants. This notice of rights is displayed prominently wherever the municipal clerk transacts business with the public and in the facility where proceedings in the municipal division are held. This notice of rights in municipal division is made available as a handout for those appearing before the municipal division and is displayed on each public information website operated by the municipal division or on behalf of the municipal division.
- Announcements by the judge that are intended for the benefit of all present can be heard throughout the courtroom or are communicated adequately in other ways. Such announcements are also communicated to those waiting outside the courtroom or otherwise made available to them when they come into the courtroom.
- The municipal division utilizes a written "Waiver of Counsel" substantially in the form of Form 37C. Rule 37.58(d).

Minimum Operating Standard # 10: Municipal divisions shall be well-managed and accountable to the law, with appropriate oversight of municipal division operations provided by the circuit court presiding judge of the judicial circuit.

◆ **Generally**

- The municipal division has a functional clerk's office that organizes and preserves the judicial records of the municipal division in a prudent and organized manner and in compliance with applicable laws and supreme court rules.
- The municipal division has a functional clerk's office that handles bookkeeping and money handling obligations of the municipal division in a prudent and organized manner and in compliance with the current recommendations of the Office of State Courts Administrator and the Missouri state auditor.

- The municipal division has certified substantial compliance with section 479.360.1(1-10), RSMo, and provided signed certification to the governing body in compliance with the state auditor's rules and procedures. Section 479.360.1 and .2, RSMo.
- The municipal division provides to the municipality adequate information for the municipality to determine excessive revenue calculations to the state auditor. Section 479.359, RSMo.
- The municipal division had educated its personnel on the requirements of Rule 37.04, Appendix B, "Code of Conduct for Municipal Division Personnel."
- The municipal division shall notify the Presiding Judge of the Circuit the following information:
 - Names of any substitute, provisional, or *pro tem* judges who serve in the municipality.
 - Address where municipal division is held.
 - Dates and times where municipal division court is held.
 - Municipal division phone number.
 - Municipal Judge's contact phone number.
 - Municipal Judge's email address.
 - Clerk's or administrative assistant's email address.

◆ Chapter 479, RSMo,

- If holding administrative hearings, the municipal division is authorized to do so. Section 479.011.1, RSMo.
- Judge serves as a judge in no more than five municipalities. Section 479.020.9, RSMo.
- Judges are under the age of 75 years. Section 479.020.7, RSMo.
- Municipality has notified circuit clerk of the municipal division's existence. Section 479.030.1, RSMo.
- Nonjudicial personnel have been provided to ensure proper functioning of the municipal division. Section 479.060.1, RSMo.
- Fines and costs collected are paid into the municipality's treasury at least monthly. Section 479.080.1, RSMo.
- A written policy for reporting intoxication-related traffic offenses to the central repository has been **adopted** and **provided** to OSCA and the highway patrol. Section 479.172.1 and 2, RSMo.
- Semiannual disposition report of intoxication-related traffic offenses is provided to the circuit court *en banc*. Section 479.172.3, RSMo.

◆ **Open Records and Other Recordkeeping Matters (Article I, § 14, Constitution of Missouri; Court Operating Rules 2, 4 and 8; sections 483.065, 483.075, 483.082, RSMo)**

- The municipal division maintains complete and accurate records of municipal division proceedings, including warrants outstanding, bonds posted, case files and dispositions.
- The municipal division ensures that the proper disposition of all cases is documented on the municipal division dockets or backer sheets and that all municipal division dockets or backer sheets are signed by the municipal judge, if required by law.
- The municipal division ensures that an information signed by the prosecuting attorney is filed for each ordinance violation to be prosecuted. In addition, the municipal division ensures that the prosecuting attorney signs all tickets and reviews and approves all amended and dismissed tickets.
- The municipal division ensures that the proper disposition of cases is documented in manual and electronic records and sufficient documentation is maintained to support all case actions.
- The municipal division has established procedures to generate monthly reports of municipal division activity, and the municipal division submits these reports timely to OSCA and to the city in accordance with COR 4.28 and 4.29.
- The municipal division regularly backs up computer data and ensures it is stored in a secure off-site location and its recovery is tested on a regular, predefined basis.
- The municipal division requires unique user identifications and passwords for each employee and passwords that are confidential and periodically changed. The municipal division ensures that user access is periodically reviewed and unnecessary access, including that of terminated users, is removed timely as well as reviews user access to data and other information resources to ensure access rights are commensurate with current user job responsibilities.

◆ **Financial and Bookkeeping (Section 483.075.1, RSMo)**

- The municipal division segregates accounting duties to the extent possible. If it is not possible to segregate duties, the municipal division ensures that documented periodic independent or supervisory reviews of municipal division records are performed.
- The municipal division ensures that accurate records are maintained to account for all payments received and deposited, receipts are posted accurately and timely, and the method for payment is indicated on all receipts. Checks and money orders are endorsed immediately upon receipt. Additionally, if manual receipts are in use, the municipal division ensures that manual receipt slips are timely entered in the computerized system and the numerical sequence of manual receipt slips is accounted for properly. In addition, the municipal division ensures that voided transactions are properly documented and approved.
- The municipal division reconciles the composition of receipts to the composition of deposits, and deposits all monies intact and timely.
- The municipal division performs monthly bank reconciliations, resolves reconciling items, and makes appropriate, documented adjustments to accounting records timely.

- The municipal division prepares monthly lists of liabilities and reconciles the lists to the bank account and/or city fund balance, promptly investigates and resolves differences, and has established procedures to review the status of liabilities to determine the appropriate disposition of funds held.
- The municipal division has developed procedures to ensure the monthly distributions are properly calculated and disbursed timely.
- The municipal division has established procedures to routinely generate and review the accrued costs list for accuracy and properly follows up on all amounts due.
- The municipal division obtains signed payment plans from all defendants and ensures payment plans are established in the case management system in accordance with court operating rules where applicable.
- The municipal division ensures that adequate documentation is maintained to support all adjustment transactions and ensures that an independent review and approval of these transactions is performed and documented.
- The municipal division maintains the change fund at an established amount and periodically counts and reconciles the monies on hand to the authorized balance.
- The municipal division maintains bond coverage or employee theft coverage for all personnel with access to municipal division monies.
- The municipal division ensures that all bond receipts are recorded and deposited timely and intact.
- The municipal division has developed procedures and records to identify applicable violations and the associated fines and court costs revenues for the purposes of the revenue calculations required by section 479.359, RSMO, et seq., and the municipal division provides this information to the city.

◆ Trial *de novo* Procedure

- When a trial *de novo* request has been filed, the municipal division certifies the file to the circuit court within 15 days.
- When a case record is certified to the circuit court upon filing of a request for trial *de novo*, all funds received in connection with the case, any bonds, and the record are transferred within 15 days.
- Once a case has been certified to the circuit court, the municipal division does not act on that case unless and until the case is remanded back to that municipal division.

Certification of Compliance with Minimum Operating Standards

◆ Principal/Chief Judge

By September 1 of each year, the municipal judge in each municipality with one regular municipal judge, or the chief municipal judge in municipalities with more than one municipal judge, subject to the exceptions listed below, shall certify to the Office of State Courts Administrator compliance with **all** minimum operating standards.

This certification must be made personally by the judge, and not by a clerk, court administrator, or other personnel. This certification shall be submitted in an electronic format as designated by the Clerk of the Supreme Court of Missouri, and shall include the following electronic attachments:

- * Semiannual disposition report of intoxication-related traffic offenses provided to the circuit court *en banc* pursuant to section 479.172, RSMo;
- * Executed substantial compliance certification form, section 479.360.1(1-10), RSMo; and
- * CLE compliance form, Rule 18.

In consolidated municipal courts which serve more than one municipality, a separate certification must be filed for each municipality served.

◆ Non-principal/non-chief judge

By September 1 of each year,

- * in municipalities with more than one municipal judge, each regular municipal judge other than the chief municipal judge, and

- * in all municipal divisions, each substitute, provisional, part-time, and *pro tem* municipal division judge, subject to the exceptions listed below, shall certify to the Office of State Courts Administrator that the individual judge is in compliance with Minimum Operating Standards 1B, 2, 3, 4B, 5B, and 9. This certification must be made personally by each individual non-principal/non-chief judge, and not by a clerk, court administrator, or other personnel. This certification shall be submitted in an electronic format as designated by the Clerk of the Supreme Court of Missouri, and shall include the following electronic attachment:

- *CLE compliance form, Rule 18.

Exceptions: Certification of Compliance with Minimum Operating Standards shall not be required of associate circuit judges presiding over municipal division cases for municipalities which have elected to have their cases heard by the associate division of the circuit court, special judges sitting temporarily by assignment from the Supreme Court of Missouri, or special judges sitting by assignment from the presiding judge of the circuit. (The exception for associate circuit judges applies only to associate circuit judges hearing municipal division cases at the state circuit court. An associate circuit judge who hears municipal division cases by agreement in a freestanding municipal division is required to file the same certification as would be required of a municipal judge.)

Within one month after each reporting cycle, the Office of State Courts Administrator shall provide the presiding circuit judge of the judicial circuit with the results of its municipal division judges' certifications. Subject to the exceptions above, the presiding circuit judge shall be responsible for ensuring that: each municipal division and the principal municipal division judge is in compliance with all minimum operating standards and each municipal division judge other than the principal municipal division judge is in compliance with minimum operating standards 1B, 2, 3, 4B, 5B, and 9.

(Adopted Sept. 20, 2016, eff. Sept. 20, 2016. Amended Nov. 1, 2016, eff. Nov. 1, 2016. Amended June 12, 2018, eff. July 1, 2018.)

556.021. Infractions — procedure — default judgment, when — effective date.

- 1. An infraction does not constitute a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.
2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.
3. If a person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the person is charged, or if a person fails to respond to notice of an infraction from the central violations bureau established in section 476.385 , the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030 , unless the court determines that good cause or excusable neglect exists for the person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the person by first class mail. The default judgment may be set aside for good cause if the person files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed.
4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation which is classified as an infraction.
5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense.

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04B
		Publication / Adopted Date:	November 16, 2016
Topic:	Appendix B - Code of Conduct for Municipal Division Personnel	Revised / Effective Date:	January 1, 2017

Appendix B Code of Conduct for Municipal Division Personnel

This code of conduct applies to all full-time, part-time and temporary court system employees for municipal divisions, who are identified in this code as "court professionals."

Code of Conduct 1: Avoiding Impropriety and the Appearance of Impropriety in All Activities.

1.1. Performing Court Duties

A court professional shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency.

A court professional shall carry out properly issued court orders and rules, not exceeding the court professional's authority.

A court professional shall make every reasonable effort to act in a manner consistent with his or her judge's obligations under the Missouri Code of Judicial Conduct found at Supreme Court Rule 2.

1.2. Avoiding Impropriety

A court professional shall avoid both impropriety and the appearance of impropriety.

A court professional shall avoid improper influences from business, family, position, party, or person.

A court professional shall avoid activities that would impugn the dignity of the court.

1.3. Bias, Prejudice, and Harassment

A court professional shall perform his or her duties without bias or prejudice.

A court professional shall not, in the performance of his or her duties, by words or conduct, manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status.

A court professional shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, including but not limited to race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status, against parties, witnesses, lawyers, or others.

These restrictions do not preclude court professionals from making legitimate reference to personal factors or characteristics, when they are relevant to an issue in a proceeding.

1.4. Respect of Others

A court professional shall treat litigants, coworkers and all others interacting with the court with dignity, respect and courtesy.

1.5. Involvement in Actions Before a Court

A court professional shall notify their supervisor of the court whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, named as a party, or is otherwise formally involved in any action pending in any court.

1.6. Avoiding Privilege

A court professional shall use his or her official position solely for its intended purpose.

A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others.

A court professional shall not dispense special favors to anyone, whether or not he or she was offered remuneration.

1.7. Assisting Litigants

A court professional shall be responsive to inquiries regarding standard court procedures, but shall not give legal advice unless it is required as part of one's official position.

Code of Conduct 2: Performing the Duties of Position Impartially and Diligently.

2.1. Independent Judgment

A court professional shall avoid relationships that would impair one's impartiality and independent judgment.

A court professional shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

2.2. Personal Relationships

A court professional shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work-related factors, not on favoritism.

A court professional shall avoid appointing, assigning, or directly supervising, a family member, or attempting to influence the employment or advancement of a family member.

Where circumstances dictate that one must work directly with a family member, a court professional shall report the circumstance to their supervisor or the court, regularly assess the situation, and take remedial action at the earliest time practicable.

2.3. Misconduct of Others

A court professional should expect fellow professionals to abide by this code of conduct.

A court professional shall report to their supervisor or the court the behavior of any court professional who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

2.4. Attempts at Influence

A court professional shall immediately report to their supervisor or the court any attempt to compel one to violate this code of conduct.

2.5. Properly Maintain Records

A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.

2.6. Legal Requirements

A court professional shall maintain the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose.

A court professional shall properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule or administrative policy.

2.7. Discretion

A court professional shall be respectful of litigants, the public, applicants and employees' personal lives; disregard information that legally cannot or should not otherwise be considered; use good judgment in weighing the credibility of Internet data; and be cautious about verifying identities.

A court professional shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

2.8. Proper Use of Public Resources

A court professional shall use the resources, property and funds under one's official control judiciously and solely in accordance with prescribed procedures.

Code of Conduct 3: Conducting Outside Activities to Minimize the Risk of Conflict with Official Position.

3.1. Outside Business

The court is a court professional's primary employment. A court professional shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving judicial service, that reflect negatively upon the judicial branch and on one's own professionalism.

A court professional shall notify their supervisor or the court prior to accepting work or engaging in business outside of one's court duties.

A court professional shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment.

However, court professionals may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code of conduct.

3.2. Compensation and Post Employment Restrictions

During or following one's employment with a court, a court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

3.3. Avoiding Gifts

A court professional shall not solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another based upon any understanding, either explicit or implicit, that would influence an official action of the court.

3.4. Financial Disclosure

A court professional shall dutifully disclose all financial interests and dealings required by law, rule, or regulation.

Code of Conduct 4: Refraining from Inappropriate Political Activity.

4.1. Refraining from Inappropriate Political Activity

A court professional retains one's right to vote and is encouraged to exercise it as a part of citizenship.

Engaging in any political activity is done strictly as a private citizen and only in accordance with state law or court rules.

A court professional shall participate only during non-court hours, using only non-court resources. A court professional shall not use one's position or title within the court system to influence others.

Unless a court professional is elected to one's court position, one shall campaign during non-work hours or take an unpaid leave of absence upon declaring one's intent to run for office.

If elected, a court professional shall resign one's post with the court unless one is holding a political office that clearly does not hold a conflict of interest, nor does it interfere with one's ability to perform one's court duties.

(Adopted Nov. 16, 2016, eff. Jan. 1, 2017)

If you are a non-U. S. citizen

If you are not a citizen of the United States, you should know that a guilty plea or conviction may result in your deportation, denial of admission to the United States, or you may be denied naturalization under United States law. You may wish to speak with an attorney, especially before entering a guilty plea to any charges.

If you need ADA accommodations

You have rights under the Americans with Disabilities Act (ADA). For example, if you or a witness are deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help, please contact the court's ADA coordinator. A list of ADA coordinators can be found at <http://www.courts.mo.gov/page.jsp?id=180>.

If you need help with other ADA disabilities, please call (573)751-4377 or send an email to access2justice@courts.mo.gov.

While in the courtroom, please:

Stay seated until your case is ready to be heard by the judge.
Do not smoke or consume food or drink.
Silence any phones or other electronic devices and remain quiet.
Do not sleep or disrupt the court proceedings.

My next court date is _____
at _____ am/pm.

Missouri Municipal Division Courts

Know your rights

- Right to trial
- Right to know when the court is open
- Right to attend court
- Right to release pending hearing
- Right to access court records
- Right to an attorney
- Right to have a judge decide if you can afford a lawyer or afford to pay fines
- Right to a court-appointed attorney
- Right to request a different judge

Table of Contents

Overview of Municipal Courts	1
Rights in Municipal Court	2
Trial Process	4
Punishments and Fines	4
Other information to know	5

Trial Process

1. The case is ready to be heard by the judge.
2. Witnesses are given an oath to testify.
3. The city's witnesses explain their version of what happened.
4. You or your attorney can ask questions of the City's witnesses.
5. You may testify and call witnesses to explain your version of what happened.
6. The city prosecutor may question you and your witnesses, if you and your witnesses testify.
7. The judge makes the decision.

Punishments and Fines

If you plead guilty or are found guilty, you may face the following punishments or fines:

1. Minor traffic violations—up to \$225 total fine and costs.
2. Housing, zoning or building code violations—up to \$200 total fine and costs for the first violation in a year, \$275 for the second violation in a year, \$350 for the third violation in a year, and \$450 for the fourth and any subsequent violation in a year.
3. All other municipal code violations—up to \$_____ fine plus costs.
4. In addition to these fines and costs, certain violations may result in jail time. Such violations include any violation involving alcohol or drugs, violations endangering the health or welfare of others, or giving false information to a police officer. You may face up to _____ in jail.

You may be able to pay your fines by mail, online, or in person instead of appearing in court. Please check with the clerk of the municipality in which your case is located or go online at _____ to get information on how you can pay fees and fines in the municipality.

You may not be put in jail for failure to pay fines or costs unless the judge finds you have the ability to pay but are unwilling to pay or when alternative sanctions to jail are not sufficient.

Right to Trial

If you plead not guilty, your case will be scheduled for trial. Because of the number of cases the court hears each month and the need to have the officer and any witnesses present, your case cannot be heard that night. You will be given a future court date for trial.

When your case is scheduled for trial, it will be in the same court in which you appear, UNLESS you request a jury trial. A request for a jury trial should be made by written motion 10 days prior to the scheduled trial date. If the motion is timely, your case will be sent to the presiding judge of the circuit court for a new trial date with a jury.

1. At trial, you have a right to testify or remain silent. If you remain silent, it is not considered an admission of guilt. If you testify, the judge may consider any statement you make in deciding your guilt or innocence.
2. At trial, you have the right to ask questions of witnesses testifying against you.
3. You have the right to ask the clerk to issue a subpoena to require witnesses to come to trial and testify.
4. If you are found not guilty, the case ends.
5. If you are found guilty, you can accept the decision or appeal to the circuit court. If you appeal your case, you will be granted a new trial before a different judge. The request for appeal must be made in writing within 10 (ten) days of the court's decision and cannot be extended for any reason. You can appeal even if you are not able to pay. Complete details of the appeal procedure can be found at _____.

The clerk is also able to provide you information on the process.

OVERVIEW OF MUNICIPAL DIVISION COURTS

Municipal division courts are authorized by the Missouri Constitution and are part of the circuit courts. They are open to the public of all ages. The purpose of these courts is to provide you with a place to obtain a fair and impartial trial on any alleged violation of a city ordinance. While this is a general overview of your rights in municipal division courts, each individual court may have local rules that may apply to your case. Please check with your local municipal division court for the local court rules.

Municipal division courts are courts of law established to protect the rights of all citizens. If there is anything you do not understand, do not hesitate to ask the judge any questions.

RIGHTS IN MUNICIPAL DIVISION COURTS:

Right to know when the court is open

Every court has different hours it is open. It is important that you check the court's website or call the court's clerk to determine when it is open. A comprehensive listing of contact information for all municipal division courts in Missouri can be found at <http://www.courts.mo.gov/mcw/findacourt/muniDivisionList.htm>

Right to attend court

Courts in Missouri are open to the public of all ages.

Right to release pending hearing

If you are in jail for a municipal charge, you have the right to be released unless the court decides you need to be in jail for the protection of the community or because you may not appear for court. If the court orders your release from jail, there may be conditions on your release, including bail.

Right to access court records

If you have a case in a municipal division court, you have the right to see the court records for your case. This includes records that show charges, court rulings, fines, and other information for your case.

Right to an attorney

You have the right to be represented by an attorney and may hire one at any time. When you first appear in court, you can ask to postpone the hearing one time so you can hire an attorney. However, you are not required to have an attorney represent you. You may represent yourself.

Right to have a judge decide if you can afford a lawyer or pay fines

If you want an attorney, but cannot afford one, you can ask that the judge decide if you qualify for a court-appointed attorney. You may be required to fill out paper work about your finances as a part of this process.

You can also request the judge to decide if you are able to pay court fines or to be granted an alternative sentence. You may be required to fill out paper work regarding your finances as a part of this process.

You may not be put in jail for failure to pay fines or costs unless the judge finds you have the ability to pay but are unwilling to pay or when alternative sanctions to jail are not sufficient.

Right to a court-appointed attorney

If you show you cannot afford an attorney and the city is seeking to put you in jail, the court will provide an attorney to represent you.

Right to request a different judge

You may request a change of judge for any reason within ten (10) days after you enter your initial plea. If it is past the ten (10) days, then you must show cause why the judge should be changed.

In addition, a judge may decide he or she cannot hear the case if they have a conflict of interest in the case or the judge will appear as the prosecuting attorney in a neighboring county where the prosecuting attorney will serve as judge.



Your Missouri Courts



THE JUDICIAL BRANCH OF STATE GOVERNMENT

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04C
		Publication / Adopted Date:	June 30, 2017
Topic:	Appendix C - Notice of Rights for Defendants Appearing in Municipal Divisions	Revised / Effective Date:	January 1, 2021



[Notice of Rights for Defendants Appearing in Municipal Divisions.pdf](#)

(Adopted June 30, 2017, eff. July 1, 2017. Amended May 17, 2018, eff. July 1, 2018; June 4, 2020, eff. Jan. 1, 2021.)



LAWFUL ENFORCEMENT OF LEGAL FINANCIAL OBLIGATIONS A BENCH CARD FOR JUDGES

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. *Bearden v. Georgia*, 461 U.S. 660, 667-669 (1983); *State ex rel. Fleming v. Mo. Bd. of Prob. & Parole*, 515 S.W.3d 224 (Mo. banc 2017). Punishment and deterrence can often be served fully by alternative means to incarceration, including an extension of time to pay, reduction of the amount owed, or community service. *Bearden*, 461 U.S. at 671.

Court-ordered legal financial obligations (LFOs) include all discretionary and mandatory fines, costs, fees, state assessments, and/or restitution in civil and criminal cases.

1. Adequate Notice of the Hearing to Determine Ability to Pay¹

Notice should include the following information:

- a. Hearing date and time;
- b. Total amount claimed due;
- c. That the court will evaluate the person's ability to pay at the hearing;
- d. That the person should bring any documentation or information the court should consider in determining ability to pay;
- e. That incarceration may result only if alternate measures are not adequate to meet the State's interests in punishment and deterrence or the court finds that the person had the ability to pay and willfully refused;
- f. Right to counsel*; and
- g. That a person unable to pay can request payment alternatives, including, but not limited to, community service and/or a reduction of the amount owed.

2. Meaningful Opportunity to Explain at the Hearing²

The person must have an opportunity to explain:

- a. Whether the amount charged as due is incorrect; and
- b. The reason(s) for any nonpayment (e.g., inability to pay).

3. Factors the Court Should Consider to Determine Willfulness³

- a. Income, including whether income is at or below 125% of the Federal Poverty Guidelines (FPG)⁴

For 2016, 125% of FPG is:	
\$14,850 for an individual;	\$30,375 for a family of 4;
\$20,025 for a family of 2;	\$35,550 for a family of 5;
\$25,200 for a family of 3;	\$40,725 for a family of 6.

- b. Receipt of needs-based, means-tested public assistance, including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or veterans' disability benefits (Such benefits are not subject to attachment, garnishment, execution, levy, or other legal process);

¹ Rule 37.65(b)(c); Rule 36.01(b); section 558.006 RSMo (formerly section 560.031 RSMo).

² Section 479.360.1(4); Rule 37.04, Appendix "A," Minimum Operating Standard #2.

³ See *Bearden v. Georgia*, 461 U.S. 660 (1983); *State ex rel. Fleming v. Mo. Bd. of Prob. & Parole*, 515 S.W.3d 224 (Mo. banc 2017).

⁴ U.S. Dep't of Health & Human Servs., Poverty Guidelines, Jan. 26, 2016, (<https://aspe.hhs.gov/poverty-guidelines>).

- c. Financial resources, assets, financial obligations, and dependents;
- d. Whether the person is homeless, incarcerated, or resides in a mental health facility;
- e. Basic living expenses, including, but not limited to, food, rent/mortgage, utilities, medical expenses, transportation, and child support;
- f. The person's efforts to acquire additional resources, including any permanent or temporary limitations to secure paid work due to disability, mental or physical health, homelessness, incarceration, lack of transportation, or driving privileges;
- g. Other LFOs owed to the court or other courts;
- h. Whether LFO payment would result in manifest hardship to the person or his/her dependents; and
- i. Any other special circumstances that may bear on the person's ability to pay.

4. Findings by the Court

The court should find, on the record and/or by docket entry, that the person was provided prior adequate notice of:

- a. Hearing date/time;
- b. Failure to pay an LFO is at issue;
- c. The right to counsel*;
- d. The defense of inability to pay;
- e. The opportunity to bring any documents or other evidence of inability to pay; and
- f. The opportunity to request an alternative sanction to payment or incarceration.

After the ability to pay hearing, the court should also find on the record that the person was given a meaningful opportunity to explain the failure to pay.

If the Court determines that incarceration must be imposed, the Court should make findings about:

1. The financial resources relied upon to conclude that nonpayment was willful;⁵ or
2. If the defendant/respondent was not at fault for nonpayment, why alternate measures are not adequate, in the particular case, to meet the State's interest in punishment and deterrence.⁶

Alternative Sanctions to Imprisonment That Courts Should Consider When There is an Inability to Pay⁷

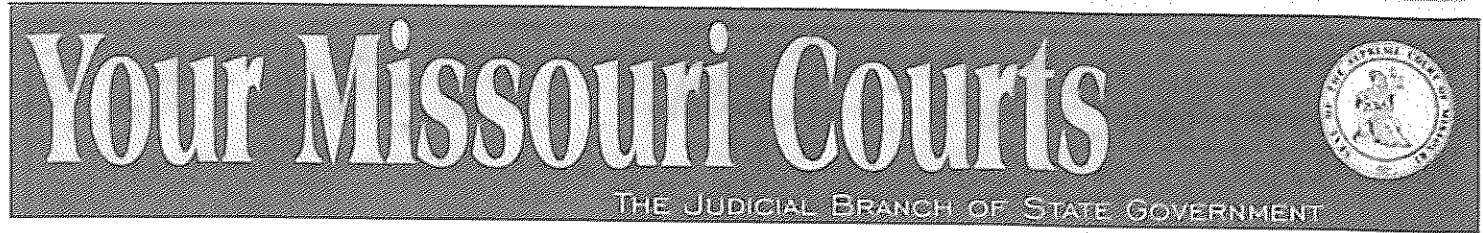
- a. Reduction of the amount due;
- b. Extension of time to pay;
- c. A reasonable payment plan or modification of an existing payment plan;
- d. Credit for community service (*Caution:* Hours ordered should be proportionate to the violation and take into consideration any disabilities, driving restrictions, transportation limitations, and caregiving and employment responsibilities of the individual);
- e. Credit for completion of a relevant, court-approved program (e.g., education, job skills, mental health or drug treatment); or
- f. Waiver or suspension of the amount due.

*Case law establishes that the U.S. Constitution affords indigent persons a right to court-appointed counsel in most post-conviction proceedings in which the individual faces actual incarceration for nonpayment of a legal financial obligation, or a suspended sentence of incarceration that would be carried out in the event of future nonpayment, even if the original sanction was only for fines and fees. *See Best Practices for Determining the Right to Counsel in Legal Financial Obligation Cases.*

⁵ See, for example, *State v. Jackson*, 610 S.W.2d 420 (Mo. App. 1980).

⁶ *Bearden*, 461 U.S. at 672; *Fleming*, 515 S.W.3d at 232.

⁷ Section 479.360.1 (8)(9) RSMo; Rule 37.04, Appendix "A," Minimum Operating Standard #2, #4; section 558.006 RSMo (formerly section 560.031 RSMo).

[✕ Close](#)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04D
		Publication / Adopted Date:	June 30, 2017
Topic:	Appendix D - Lawful Enforcement of Legal Financial Obligations; a Bench Card for Judges	Revised / Effective Date:	July 1, 2017



[Lawful Enforcement of Legal Financial Obligations; a Bench Card for Judges.pdf](#)

Adopted Jun. 30, 2017, eff. July 1, 2017.

PROTOCOLS FOR PRESIDING CIRCUIT COURT JUDGES IN SUPERVISING MUNICIPAL DIVISION JUDGES

(a) To assist in the supervision of each circuit's municipal divisions, the presiding circuit judges are encouraged to invite each municipal division judge to attend at least one of the circuit's court en banc meetings each year.

(b) In fulfilling their obligation to supervise municipal divisions within their circuit, the presiding circuit judge shall:

(1) Adopt a circuit court rule governing the operation of its municipal divisions and reporting obligations from the municipal divisions to the presiding circuit judge;

(2) Provide education, support, and direction to the municipal divisions;

(3) Verify annually each municipal division's substantial compliance with applicable circuit rules and minimum operating standards; and

(4) 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.

(c) 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. If the presiding circuit judge is unable to obtain substantial compliance voluntarily or believes that the noted deficiencies are serious or continuing, he or she shall immediately give written notice to the clerk of the Supreme Court of Missouri of the identified noncompliance/deficiencies.

(d) The presiding judge, with the assistance of the clerk of the Supreme Court, shall prepare a plan for remediation of the identified concerns and, until the plan for remediation is fully implemented, shall keep the clerk apprised in writing, at least once every 60 days, of the municipal division's success in coming into substantial compliance with the plan.

(e) If the circumstances appear to the presiding judge or the clerk or judges of the Supreme Court to require more immediate and decisive action in the interests of justice, any or all of them may take appropriate action with regard to the noncompliant municipal division. By way of example, this could include directives for necessary changes in operations with appropriate deadlines for compliance; consultation with the governing authorities of the municipality; reassignment of all cases pending in the division to another judge or to multiple judges as may be necessary to handle the case load; suspension of the division's operations until sufficient remediation of the identified noncompliance/deficiencies has been accomplished; reporting the municipal judge to the appointing authority for that judge or to the Commission on Retirement, Removal and Discipline; or other appropriate action within the constitutional authority of the presiding circuit judge or the Supreme Court of Missouri.

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.04E
		Publication / Adopted Date:	June 29, 2018
Topic:	Appendix E - Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges	Revised / Effective Date:	July 1, 2018



[Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges.pdf](#)

Adopted Jun. 29, 2018, eff. July 1, 2018.

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.05
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Local Circuit Court Rules - Publication and Distribution	Revised / Effective Date:	July 1, 2004

37.05. Local Circuit Court Rules - Publication and Distribution

The circuit courts may make rules governing the disposition of ordinance violations if the rules are not inconsistent with the rules of this Court or the Constitution. Upon promulgation, copies of such rules shall be filed with the clerk of this Court. The clerk of each court shall from time to time compile all of the current rules and maintain copies.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.06
Topic:	Definitions	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	May 1, 2019

37.06. Definitions

Whenever in this Rule 37 the following terms are used, they mean the following:

- (a) "**Animal control violation**," any violation of an ordinance relating to the care or control of any animal;
- (b) "**Clerk**," any duly appointed court clerk or court administrator or any deputy or division court clerk serving courts to which this Rule 37 applies;
- (c) "**Committee**," a committee consisting of judges appointed by this Court to establish the uniform fine schedule for Rule 37 violations bureaus;
- (d) "**Corrections official**," a person in control of a detention facility;
- (e) "**County**," includes the city of St. Louis;
- (f) "**Court**," a division of the circuit court having jurisdiction to hear ordinance violations;
- (g) "**Detention facility**," any jail, workhouse, lockup or other facility normally operated to hold sentenced offenders or that is used to confine adults awaiting trial;
- (h) "**Housing violation**," any violation of an ordinance relating to the condition or maintenance of residential buildings and residential real property;
- (i) "**Law**," includes constitutions, statutes, ordinances, judicial decisions and this Rule 37;
- (j) "**Local violations bureau**," a violations bureau established by court order pursuant to Rule 37.49 of this Court;
- (k) "**Missouri charge code**," as defined by section 43.500, RSMo;

- (l) **“Municipal division,”** any division of the circuit court presided over by a judge having original jurisdiction to hear and determine municipal ordinance violations;
- (m) **“Municipality,”** includes all charter, first, second, third and fourth class cities, towns and villages;
- (n) **“Ordinance,”** a law enacted by a municipality or county;
- (o) **“Peace Officer,”** includes police officers, members of the state highway patrol, sheriffs, marshals, constables, and their deputies;
- (p) **“Person,”** includes corporations;
- (q) **“Prosecutor,”** any attorney or counselor who represents any county, city, town, or village in the prosecution of a person for a violation of an ordinance;
- (r) **“Traffic violation,”** any violation of an ordinance relating to the control of traffic;
- (s) **“Violation,”** any ordinance violation within the jurisdiction of any court to which this Rule 37 applies.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; Oct. 15, 2018, eff. May 1, 2019.)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.07
Topic:	Pleadings and Papers - Size	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.07. Pleadings and Papers - Size


All pleadings and other papers, except exhibits, offered for filing in any court and all forms used in any court, including opinions, shall be on paper of a size not larger than 8 1/2 x 11 inches. An exhibit may be on paper larger than size 8 1/2 x 11 inches. The use of recycled paper is acceptable and encouraged.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.08
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Rules - When not Applicable - Procedure	Revised / Effective Date:	July 1, 2004

37.08. Rules - When not Applicable - Procedure

If no procedure is specially provided by this Rule 37, the court shall be governed by Rules 19 to 36, inclusive, to the extent not inconsistent with this Rule 37.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

⚠ COVID-19 alerts from Missouri courts:

⚠ Please read court-specific notices. To determine the status of a particular proceeding, please check the case's docket entries in Case.net, ask your attorney or contact the local clerk's office.

Rules of Criminal Procedure

- Rule 19 -- Infractions, Misdemeanors or Felonies -- General
- Rule 20 -- Misdemeanors or Felonies -- Time -- Computation of -- Expiration of Term -- Service of Motions
- Rule 21 -- Procedure Applicable to Misdemeanors Only
- Rule 22 -- Procedure Applicable to Felonies Only
- Rule 23 -- Misdemeanors or Felonies -- Indictment or Information
- Rule 24 -- Misdemeanors or Felonies -- Arraignment and Proceedings Before Trial
- Rule 25 -- Misdemeanors or Felonies -- Disclosure and Depositions
- Rule 26 -- Misdemeanors or Felonies -- Witnesses -- Subpoena
- Rule 27 -- Misdemeanors or Felonies -- Trial
- Rule 28 -- Felonies -- Instructions and Verdict Forms
- Rule 29 -- Misdemeanors or Felonies -- Verdict, Sentence and New Trial
- Rule 30 -- Appellate Procedure in All Criminal Cases -- A. Criminal Proceedings Pending Before a Circuit Judge
- Rule 30 -- Appellate Procedure in All Criminal Cases -- B. Trial de Novo or Appeal of Criminal Proceedings Pending Before an Associate Circuit Judge
- Rule 31 -- Misdemeanors or Felonies -- Presence of Defendant and Right to Counsel
- Rule 32 -- Misdemeanors or Felonies -- Venue, Including Change of Venue and Change of Judge -- Disability of Judge
- Rule 33 -- Misdemeanors or Felonies -- Release Pending Further Proceedings
- Rule 34 -- Misdemeanors or Felonies -- Searches and Seizures
- Rule 35 -- Misdemeanors or Felonies -- Extradition
- Rule 36 -- Criminal Contempt

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.09
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Time - Computation of - Enlargement	Revised / Effective Date:	July 1, 2004

37.09. Time - Computation of - Enlargement

(a) Computation. In computing any period of time prescribed or allowed by this Rule 37, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(b) Enlargement. When by this Rule 37 or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion:

- (1) With or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or
- (2) Upon notice and motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect;

but the court may not enlarge the period for filing an application for trial de novo.

(c) Additional Time After Service by Mail. When a party has the right or is required to do some act or take some action within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served by mail, three days shall be added to the prescribed period.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.10
		Publication / Adopted Date:	May 14, 1985
Topic:	Courts always open - Motions, Applications Grantable by Clerk	Revised / Effective Date:	July 1, 2004

37.10. Courts Always Open - Motions, Applications Grantable by Clerk

(a) **Court Always Open for Certain Purposes.** The court shall be deemed always open for the purpose of filing proper papers, the issuance and return of process, and for the making of motions, applications and orders.

(b) **Motions and Proceedings Grantable by Clerk.** All motions and applications filed in the clerk's office for issuing process, for issuing final process to enforce judgments and for other proceedings that do not require an order of the court are grantable by the clerk; but such action by the clerk may be suspended, altered or rescinded by the judge upon cause shown.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.11
		Publication / Adopted	May 14, 1985
Topic:	Writs - Process - Return	Date:	
		Revised / Effective Date:	July 1, 2004

37.11. Writs - Process - Return

Every officer to whom any writ of process or order shall be directed and delivered for service under this Rule 37 shall make return thereof in writing, showing the time, place, and manner of service thereof, and shall sign such return and file the same with the clerk.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



Your Missouri Courts

THE JUDICIAL BRANCH OF STATE GOVERNMENT



Clerk Handbooks

Supreme Court Rules

Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: [RESERVED]	Section/Rule: 37.12 Publication / Adopted Date: May 14, 1985 Revised / Effective Date: July 1, 2004
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37.12. [RESERVED]

(Adopted May 14, 1985, effective Jan. 1, 1986. Repealed Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.13
Topic:	Counsel - Right to Consult	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.13. Counsel - Right to Consult

Every person arrested and held in custody by any peace officer in any detention facility, police station, or any other place, upon or without a warrant or other process for the alleged commission of an ordinance violation, or upon suspicion thereof, shall promptly, upon request, be permitted to consult with counsel or other persons and, for such purpose, to use a telephone.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.14
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Conditions of Release: Rules of Evidence Inapplicable	Revised / Effective Date:	January 1, 2019

37.14. Conditions of Release: Rules of Evidence Inapplicable

Proceedings under Rules 37.14 to 37.32 shall be informal, and technical rules of evidence need not apply.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.15
Topic:	Right to Release - Conditions	Publication / Adopted:	May 14, 1985
		Date:	
		Revised / Effective Date:	January 1, 2020

37.15 Right to Release - Conditions

(a) A defendant arrested for an ordinance violation shall be entitled to be released from custody pending trial or other stage of the proceedings. The defendant is also entitled to be released pending trial de novo, review and appeal. As each court enters a judgment, it shall review the conditions of release and may modify them as provided in Rule 37.19.

(b) The defendant's release shall be upon the conditions that:

- (1) The defendant will appear in the court in which the case is prosecuted or appealed, from time to time as required to answer the charge;
- (2) The defendant will submit to the orders, judgment and sentence, and process of the court having jurisdiction over the defendant;
 - (3) The defendant shall not commit any new offenses and shall not temper with any victim or witness in the case, nor have any person do so on the defendant's behalf; and
 - (4) The defendant will comply fully with any and all conditions imposed by the court in granting release.

(c) The court shall release the defendant on the defendant's own recognizance subject only to the conditions under subsection (b) with no additional conditions of release unless the court determines such release will not secure the appearance of the defendant at trial, or at any other stage of the proceedings, or the safety of the community or other person, including but not limited to the victims and witnesses. If the court so determines, it shall set and impose additional conditions of release pursuant to this subsection.

The court shall set the impose the least restrictive condition or combination of conditions of release, and the court shall not set or impose any condition or combination or conditions of release greater than necessary to secure the appearance of the defendant at

trial, or at any other stage of the proceedings, or the safety of the community or other person, including but not limited to the victims and witnesses.

When considering the least restrictive condition or combination of conditions of release to set and impose, the court shall first consider non-monetary conditions. Should the court determine non-monetary conditions alone will not secure the appearance of the defendant at trial, or at any other stage of the proceedings, or the safety of the community or other person, including but not limited to the victims and witnesses, then the court may consider monetary conditions or a combination of non-monetary and monetary conditions to satisfy the foregoing. After considering the defendant's ability to pay, a monetary condition fixed at more than is necessary to secure the appearance of the defendant at trial, or at any other stage of the proceedings, or the safety of the community or other person, including but not limited to the victims and witnesses, is impermissible.

If the court determines additional conditions of release are required pursuant to this subsection, it shall set and impose one or more of the following conditions of release:

- (1) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant;
 - (2) Place restrictions on the travel, association, or place of abode of the defendant during the period of release, including the holding by the court of the defendant's passport;
- (3) Require the defendant to report regularly to some officer of the court or peace officer, in such manner as the court directs;
 - (4) Require the use of electronic monitoring of the defendant's location, the testing of the defendant for drug or alcohol use, or the installation and use of ignition interlock devices. The court may order the eligible defendant to pay all or a portion of the costs of such conditions, but the court shall consider how best to minimize the costs to the defendant and waive the costs for an eligible defendant who is indigent and who has demonstrated to the court an inability to pay all or a portion of the costs;
- (5) Require the defendant to seek employment, to maintain employment, or to maintain or commence an educational program;
- (6) Require the defendant to comply with a specified curfew;
- (7) Require the defendant to refrain from possessing a firearm or other deadly weapon;
- (8) Require the defendant to abstain from possession or use of alcohol or any controlled substance without a physician's prescription;
 - (9) Require the defendant to undergo available medical, psychological or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose;
 - (10) Require the defendant to return to custody for specified hours following release for employment, school, treatment, or other limited purpose;
 - (11) Require the defendant to be placed on home supervision with or without the use

of an electronic monitoring device. The court may order the eligible defendant to pay all or a portion of the costs of the electronic monitoring, but the court shall consider how best to minimize the costs of such conditions to the defendant and waive the costs and for an eligible defendant who is indigent and who has demonstrated to the court an inability to pay all or a portion of the costs;

(12) Require the defendant to execute a monetary bond in a stated amount wherein the defendant promises to pay the court the stated amount should the defendant fail to appear or abide by the conditions of release;

(13) Require the execution of a monetary bond in a stated amount with sufficient sureties, or the deposit in the registry of the court of a sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivisions;

(14) Require the execution of a monetary bond in a stated amount and the deposit in the registry of the court of 10 percent, or such lesser sum as the court directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision;

(15) Require the deposit of a property bond of sufficient value as approved and directed by the court;

(16) Impose other conditions necessary to secure the appearance of the defendant at trial, or at any other stage of the proceedings, or the safety of the community or other person, including but not limited to the victims and witnesses.

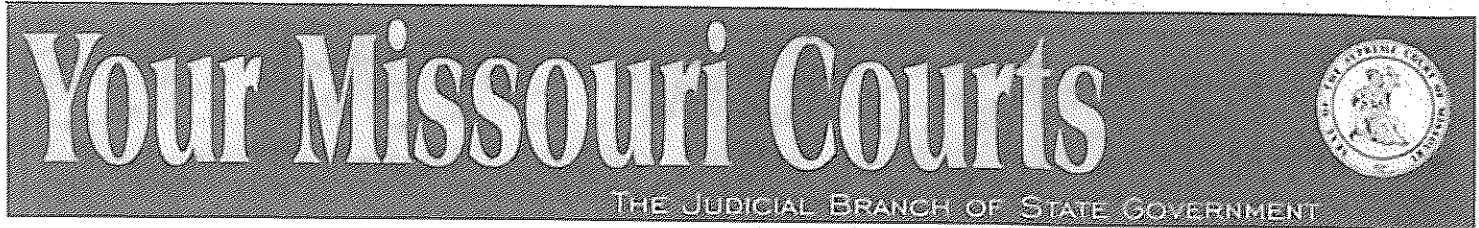
(d) Should the court determine upon clear and convincing evidence that no combination of non-monetary conditions and monetary conditions will secure the safety of the community or other person, including but not limited to the victims and witnesses, then the court shall order the defendant detained pending trial or any other stage of the proceedings. A defendant so detained shall, upon written request filed after arraignment, be entitled to a trial which begins within 60 days of the defendant's request or within 60 days of an order granting a change of venue, whichever occurs later. Any request by the defendant to continue the trial beyond the 60 days shall be considered a waiver by the defendant of the right to have the trial conducted within 60 days.

(e) In determining whether to detain the defendant pursuant to subsection (d) or release the defendant with a condition or combination of conditions of release, if any, pursuant to subsection (c), the court shall, its determination on the individual circumstances of the defendant and the case. Based on available information, the court shall take into account: the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, including ability to pay, character, and mental condition; the length of the defendant's residence in the community; the defendant's record of convictions; the defendant's and record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; whether the defendant was on probation, parole or release pending trial or appeal at the time the offense for which the court is considering detention or release was committed; and any validated evidentiary-based risk assessment tool approved by the Supreme Court of Missouri.

(f) A court detaining or releasing the defendant under this Rule shall enter an order stating the condition or combination of conditions of release, if any, set and imposed by the court. If the

defendant is detained and unable to comply with any condition of release, the defendant shall have the right to a release hearing pursuant to Rule 37.20. At any hearing conducted under Rule 37.14 to 37.32, the court shall permit but not require either party to make a record on the defendant's financial status and ability to pay any monetary condition or other relevant issue. At such hearing, the court shall also make written findings supporting the reasons for detention or conditions set and imposed. The court shall inform the defendant of the conditions set and imposed, if any, and that the conditions of release may be revoked and the defendant detained until trial or other stage of the proceedings for violation of any of the conditions of release and that a warrant for defendant's arrest may be issued immediately upon notification to the court of any such violation.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)



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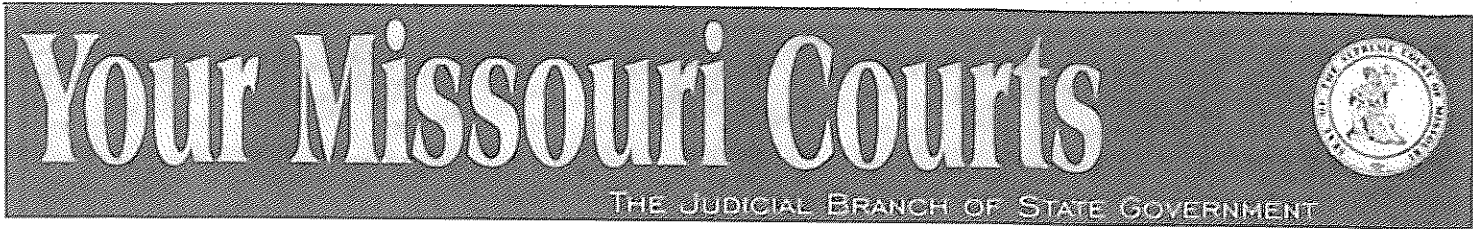
Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.16
		Publication / Adopted Date:	May 14, 1985
Topic:	Officials Authorized to Set Conditions of Release - Conditions to be Stated on Warrant	Revised / Effective Date:	January 1, 2020

37.16 Officials Authorized to Set Conditions of Release - Conditions to be Stated on Warrant

- (a) The court, or clerk at the court's direction for a specific warrant, issuing a warrant for the arrest of any defendant shall state the condition or combination of conditions of release, if any, on the warrant for arrest.
- (b) If the arrest of the defendant upon warrant occurs in a county other than that in which the ordinance violation occurred, the peace officer making the arrest shall promptly release the defendant in accordance with the release conditions or bail prescribed on the warrant, and shall provide the defendant with the court date upon which the defendant is required to appear; but if none, the peace officer shall take the defendant before a court in such county having jurisdiction of ordinance violations, to admit the defendant to bail in such sum as the court may determine will likely ensure appearance of the defendant. Bail, if taken by the peace officer making the arrest or if taken by a judge in such county, shall be promptly forwarded to the court from which the warrant was issued.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)



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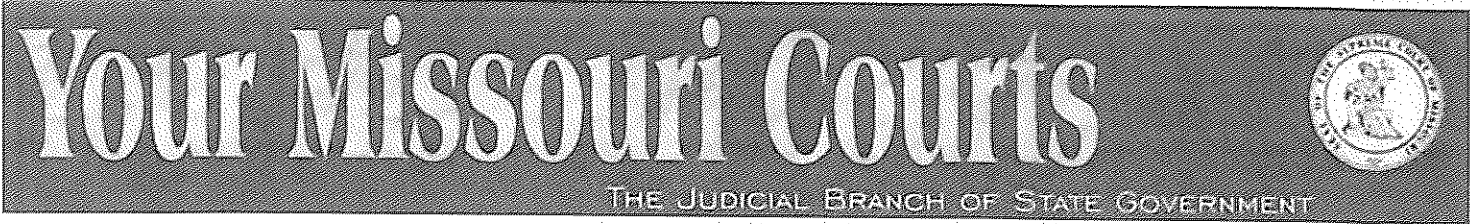
Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.17
Topic:	Arrest Without Warrant	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.17 Arrest Without Warrant

When an arrest is made without a warrant, the peace officer may accept bond within 24 hours of arrest in accordance with a bond schedule furnished by the court having jurisdiction. If the judge has not issued an arrest warrant within 24 hours of arrest, the peace officer shall release the defendant from custody.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 29, 2018, eff. Jan. 1, 2019; Jun.28, 2019, eff. Jan. 1, 2020.)

{Formerly titled "Arrest Without Warrant - Peace Officer May Set Conditions of Release."}



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.18
Topic:	Officer Authorized to Accept Conditions of Release	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.18 Officer Authorized to Accept Conditions of Release

The court that sets the conditions of release, or clerk or peace officer when authorized, may accept the conditions of release and release the defendant.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.19
		Publication / Adopted Date:	May 14, 1985
Topic:	Modification of Conditions of Release	Revised / Effective Date:	January 1, 2020

37.19 Modification of Conditions of Release

(a) Upon motion by the prosecutor or by the defendant, or upon the court's own motion, the court, after notice to the parties and hearing, may modify the condition of release when the court finds that:

- (1) New, different, or additional requirements for release are necessary;
- (2) The conditions of release that have been set are excessive;
- (3) The defendant has failed to comply with or has violated the conditions of release; or
- (4) The defendant has been convicted of the ordinance violation charged and sentenced to confinement.

(b) When the court increases the conditions of release or new conditions of release are set and imposed, the court may remand the defendant to the custody of the corrections official until compliance with the modified conditions. If the defendant is not in custody, the court may order that a warrant for the defendant's arrest be issued.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; June 29, 2018, eff. Jan. 1, 2019; Jun. 28, 2019, eff. Jan. 1, 2020.)

{Formerly titled "Right to Review of Conditions."}



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<p>Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus</p> <p>Topic: Release Hearing</p>	<p>Section/Rule: 37.20</p> <p>Publication / Adopted Date: May 14, 1985</p> <p>Revised / Effective Date: January 1, 2020</p>
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37.20 Release Hearing

A defendant who continues to be detained after the initial appearance under Rule 37.47 shall have the defendant's detention or conditions of release reviewed at a hearing by the court that imposed them. The hearing shall occur as soon as practicable but no later than seven days, excluding weekends and holidays, after the initial appearance, absent good cause shown by the parties or the court. At the hearing, the court shall determine if the defendant shall be detained or released as provided in Rule 37.15. Nothing herein shall prohibit a defendant from making subsequent application for review of the defendant's detention or conditions of release under Rule 37.15.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

{Formerly titled "Modification of Conditions of Release."}

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.21
Topic:	Rearrest of Defendant	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.21 Rearrest of Defendant

The court may order a warrant for the arrest of a defendant who has been released pursuant to [Rule 37.15](#) if it shall appear to the court that:

- (a) There has been a breach of any condition of release, including but not limited to failure to appear for a court ordered court appearance; or
- (b) The conditions of release should be modified or new or additional conditions imposed.

A defendant arrested and confined on a warrant under this Rule shall be entitled to a hearing forthwith, as set forth below, concerning the reasons for the issuance of the warrant. A defendant who has not previously had an initial appearance under [Rule 37.47](#) shall be brought for an appearance, in person or by interactive video technology, before a judge of the court from which the warrant was issued, as provided by [Rule 37.47](#). This initial appearance shall be held no later than 48 hours, excluding weekends and holidays, after the defendant is confined under the warrant in the county that issued the warrant or in a county with which the county issuing the warrant has a contractual agreement to hold the defendant.

A defendant who has previously had an initial appearance under [Rule 37.47](#) shall be brought for an appearance, in person or by interactive video technology, before a judge of the court from which the warrant was issued. This appearance shall be held no later than seven days, excluding weekends and holidays, after the defendant is confined under the warrant in the county that issued the warrant or in a county with which the county issuing the warrant has a contractual agreement to hold the defendant.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

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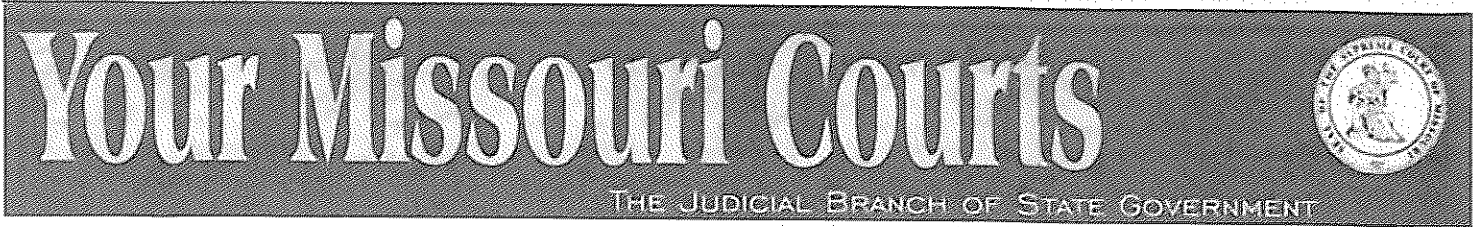
Supreme Court Rules

Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: Relief from Inadequate or Excessive Conditions of Release	Section/Rule: 37.22 Publication / Adopted Date: May 14, 1985 Revised / Effective Date: January 1, 2020
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37.22 Relief from Inadequate or Excessive Conditions of Release

- (a) If a court shall fail to set conditions for release or shall set inadequate or excessive conditions, an application may be filed in the appropriate court by the defendant or by the prosecutor stating the grounds for the application and the relief sought. A copy of the application and the notice of the time when it will be presented to the court shall be served on all parties.
- (b) If the appropriate court finds that the defendant is entitled to be released and that no conditions of release have been set or the conditions are excessive or inadequate, the court shall make an order setting or modifying conditions for the release of the defendant.
- (c) At the time of complying with the conditions of release set by the appropriate court, the defendant shall file with the clerk a signed and acknowledged written instrument in which the defendant shall specify the post office address to which all notices in connection with the case thereafter may be mailed. Proof of mailing notice to the defendant at that address shall constitute sufficient notice to the defendant in all cases where notice is required under this Rule 37.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.23
Topic:	Transmittal of Record by Clerk of the Releasing Court	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.23 Transmittal of Record by Clerk of the Releasing Court

When any defendant is released by a court other than the court in which the defendant is to appear, the clerk of the releasing court shall transmit a record of the release, together with any conditions of release imposed, to the clerk of the court in which the defendant released is required to appear.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

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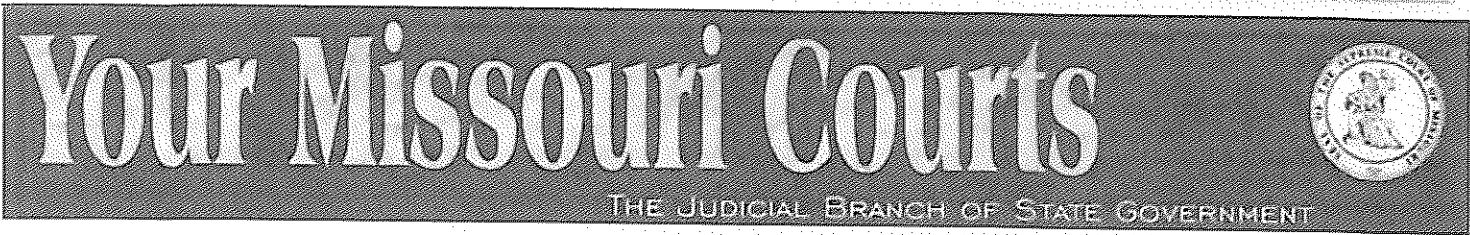
Supreme Court Rules

Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: Bonds - Where Filed - Certification by Peace Officer - Cash Bonds	Section/Rule: 37.24 Publication / Adopted Date: May 14, 1985 Revised / Effective Date: January 1, 2020
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37.24 Bonds - Where Filed - Certification by Peace Officer - Cash Bonds

All bonds shall be filed by the clerk of the court in which the defendant is required to appear. All bonds taken by a peace officer shall be certified by such officer and transmitted to the clerk of the court in which the defendant is required to appear. When cash or securities specified in [Rule 37.15](#) are taken, they shall be delivered to the clerk of the court in which the defendant is required to appear and deposited in the registry of the court.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)



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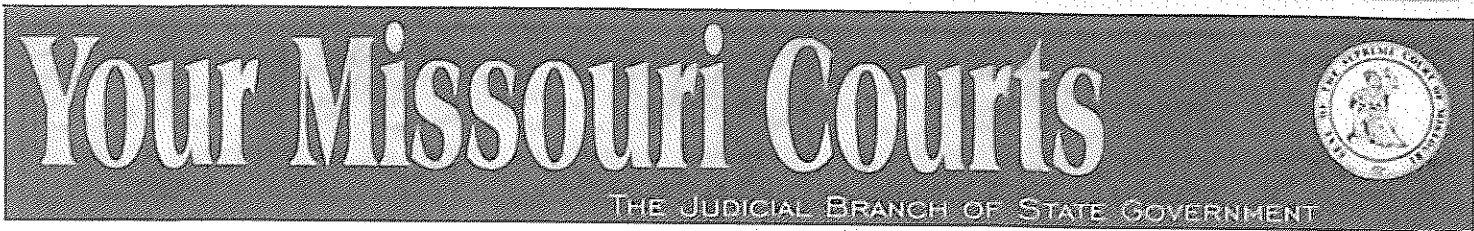
Supreme Court Rules

Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: Surrender of Principal by Surety	Section/Rule: 37.25 Publication / Adopted Date: May 14, 1985 Revised / Effective Date: July 1, 2004
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37.25. Surrender of Principal by Surety

Whenever the surety upon any bond shall desire to surrender the principal, the surety may procure from the clerk a certified copy of said bond, by virtue of which such surety, or any person authorized by the surety, may take the principal into custody. If a bond is forfeited for the failure of the principal to appear as required by the bond and the surety produces the principal prior to the rendition of judgment upon the forfeiture and the surety pays all costs and expenses caused by the principal's failure to appear, the surety is discharged from further liability. When surrendering the principal to the peace officer, the surety must deliver a certified copy of the bond and the peace officer shall take the principal into custody and acknowledge acceptance of the principal in writing. Any principal so surrendered may be conditionally released pursuant to Rule 37.15.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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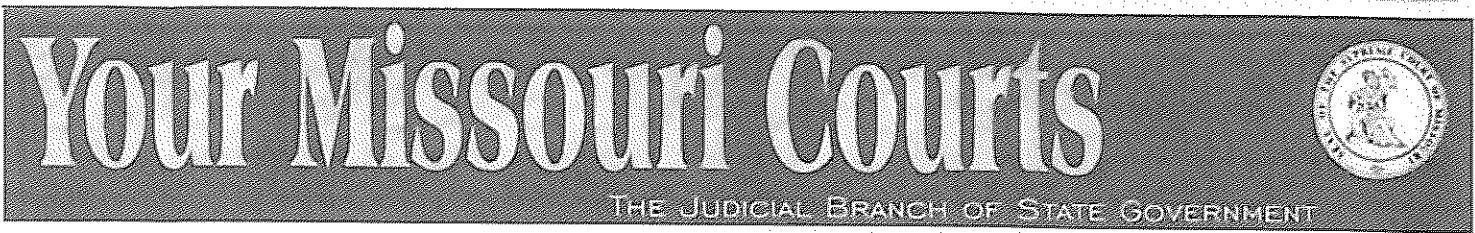
Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.26
Topic:	Bonds - Forfeiture - Procedural Notice - Judgment - Setting Aside Forfeiture	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.26. Bonds - Forfeiture - Procedural Notice - Judgment - Setting Aside Forfeiture

If there is a breach of a condition of a bond, the court in which the case is pending may declare a forfeiture of the bond. The court may direct that a forfeiture be set aside upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. When a forfeiture has not been set aside, the court on the prosecutor's motion may enter a judgment of default and execution may issue thereon.

By entering into a bond the obligors submit to the jurisdiction of the court in which the defendant is required to appear and irrevocably appoint the clerk as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on the prosecutor's motion without the necessity of an independent action. The motion and notice of the hearing as the court prescribes may be served on the clerk, who shall forthwith mail a copy to each of the obligors.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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<p>Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus</p> <p>Topic: Bond - Release of Obligors</p>	<p>Section/Rule: 37.27</p> <p>Publication / Adopted Date: May 14, 1985</p> <p>Revised / Effective Date: July 1, 2004</p>
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37.27. Bond - Release of Obligors

When the conditions of the bond have been satisfied the court shall release the obligors. When a forfeiture of the bond is set aside, the court may release the obligors. Any surety may be released upon depositing cash in the amount of the bond or by a timely surrender of the defendant.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.28
Topic:	Notice of Change of Address	Publication / Adopted	May 14, 1985
		Date:	
		Revised / Effective Date:	July 1, 2004

37.28. Notice of Change of Address

Any defendant who has been released pending further proceedings and any surety for such defendant shall give written notice to the clerk of the court in which the case is pending of any change of address.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.29
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Bonds - Surety, Individual - Qualifications	Revised / Effective Date:	January 1, 2007

37.29. Bonds - Surety, Individual - Qualifications

A person shall not be accepted as a surety on any bail bond unless the person:

- (a) Is reputable, at least twenty-one years of age and a resident of the State of Missouri;
- (b) Has net assets with a value in excess of exemptions at least equal to the amount of the bond that are subject to execution in the State of Missouri;
- (c) Has not, within the past 15 years, been found guilty of or pleaded guilty or nolo contendere to:
 - (1) Any felony of this state or the United States; or
 - (2) Any other crime of this state or the United States involving moral turpitude, whether or not a sentence was imposed;
- (d) Has no outstanding forfeiture or unsatisfied judgment thereon entered upon any bail bond in any court of this state or of the United States.

A lawyer, or an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof shall not be accepted as a surety on any bail bond, except that, this disqualification shall not apply if the principal is the spouse, child or family member of the surety.

If there is more than one surety, the aggregate net worth of the sureties in excess of exemptions shall be at least equal to the amount of the bond.



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Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: Compensated Surety - Affidavit of Justifications - Additional Investigation - Approval	Section/Rule: 37.30 Publication / Adopted Date: May 14, 1985 Revised / Effective Date: July 1, 2004
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37.30. Compensated Surety - Affidavit of Justification - Additional Investigation - Approval

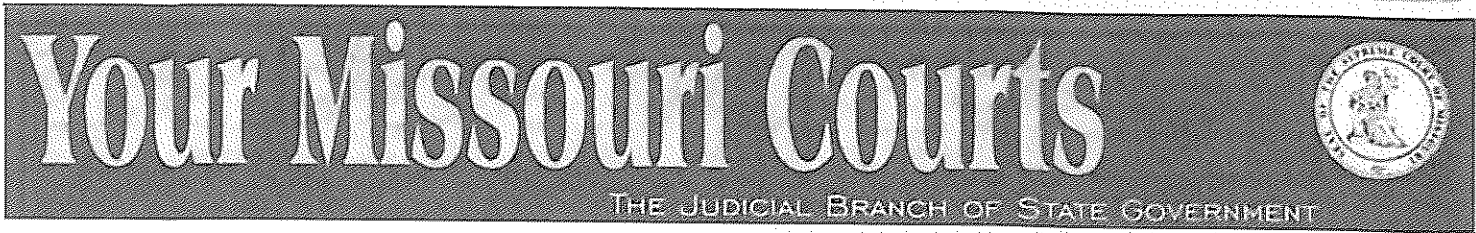
If the surety has on file an affidavit relating to all bonds in force on the first day of the then current calendar month, the separate affidavit as to other bonds executed during such calendar month may be limited to the requirements of Rule 37.30(e) and appropriate reference shall be made therein to the separate affidavit of qualification currently relied upon to establish the surety's qualifications. The judge, clerk or officer who is authorized to take and approve the bond shall administer the oath to such affidavit. The affidavit shall be on a suitable form, which shall be provided. In addition to the matters specified in Rule 37.29, it shall contain:

- (a) An accurate legal description of the real estate that the surety proposes to justify as to the surety's sufficiency, together with a description of the improvements located thereon, and the location of the property by street address if it is located in a city or town;
- (b) The latest assessed value of such property;
- (c) An accurate description of the personal property that the surety proposes to justify as to the surety's sufficiency and a statement of its reasonable market value;
- (d) A list of all bail bonds upon which the surety is surety and upon which the surety's obligation remains undischarged, the amount of each bond, the name of the principal or defendant, the ordinance violation charged, and the court in which such bond is pending; and
- (e) A statement whether or not the surety or anyone for the surety's use has been promised or has received any consideration or security for suretyship, and if so, the nature and amount thereof, and the name of the person by whom such promise was made or from whom such security or consideration was received.

The judge, clerk, or officer to whom such affidavit of justification is submitted may make such additional investigation concerning the qualifications of the surety as thought to be necessary and, for this purpose, shall have authority to administer all necessary oaths.

No bond shall be approved unless the surety thereon appears to be qualified under the requirements of Rule 37.14 to 37.32, inclusive.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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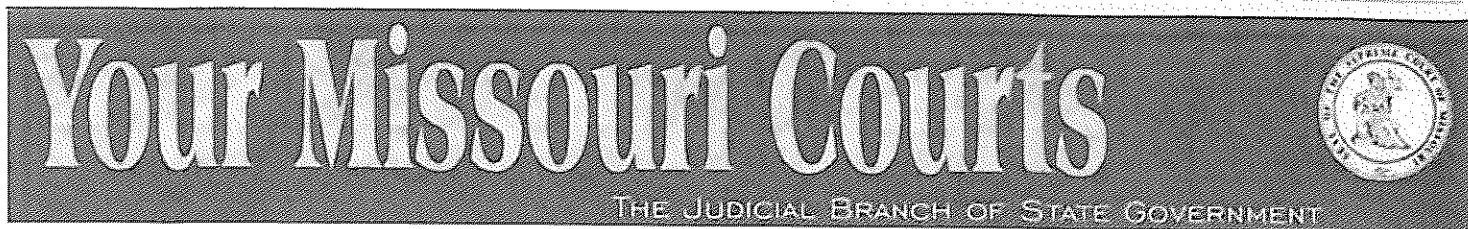
Supreme Court Rules

<p>Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus</p> <p>Topic: Bonds - Affidavit of Justification - Record</p>	<p>Section/Rule: 37.31</p> <p>Publication / Adopted Date: May 14, 1985</p> <p>Revised / Effective Date: July 1, 2004</p>
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37.31. Bonds - Affidavit of Justification - Record

When a surety is accepted upon a bond, the surety shall execute an affidavit of justification that shall be attached to the bond and filed therewith by the clerk of the court in accordance with the provisions of Rule 37.24. A duplicate copy of such affidavit shall be preserved in a separate file in the office of the clerk of the court in which such bond is first filed, indexed alphabetically by the names of the sureties. Such file shall be open to the inspection of any interested person.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.32
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Bond - Surety Company and Agent - Qualifications	Revised / Effective Date:	July 1, 2004

37.32. Bond - Surety Company and Agent - Qualifications

(a) Any corporation qualified under the provisions of section 379.010, RSMo, including the requirement that it produce evidence of its solvency satisfactory to the court, shall be qualified to act as a surety upon any bail bond taken under the provisions of this Rule 37. Any such bond shall be executed by a surety company in the manner provided by law.

(b) An agent acting on behalf of such a corporation shall be subject to the qualifications set forth in Rule 37.29(a), (c) and (d) and, in addition, shall be licensed as a bail bond agent as required by law.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 17, 1985, eff. Jan. 1, 1987; Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.33
Topic:	Violations Notice - Contents	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	May 1, 2019

37.33. Violation Notice - Contents

(a) A violation notice shall be in writing and shall:

- (1) State the name and address of the court;
- (2) State the court date and time for initial appearance;
- (3) State the name of the prosecuting county or municipality;
- (4) State the name and date of birth of the accused or, if not known, designate the accused by any name or description by which the accused can be identified with reasonable certainty;
- (5) State the date and place of the ordinance violation as definitely as can be done;
- (6) State the facts that support a finding of probable cause to believe the ordinance violation was committed and that the accused committed it;
- (7) State that the facts contained therein are true;
- (8) Be signed and on a form bearing notice that false statements made therein are punishable by law;
- (9) Cite the chapter and section of the ordinance alleged to have been violated and the chapter and section that fixes the penalty or punishment;
- (10) State other legal penalties prescribed by law may be imposed for failure to appear and dispose of the violation; and
- (11) State the Missouri charge code if one exists.

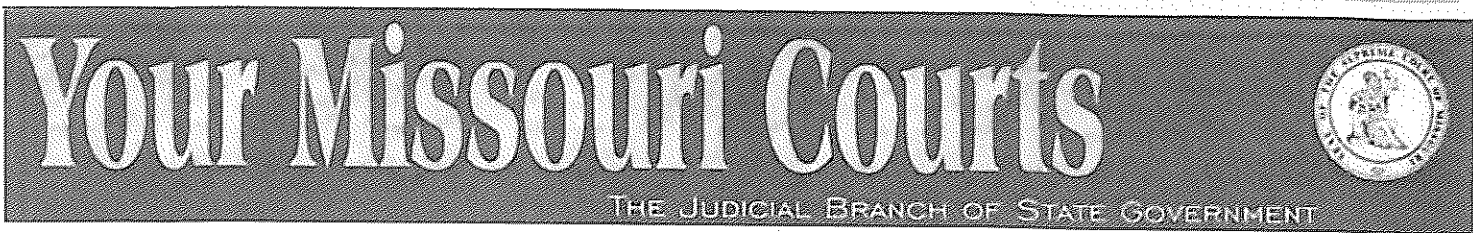
(b) When a violation has been designated by the court to be within the authority of a local violations

bureau pursuant to Rule 37.49, the accused shall also be provided the following information:

- (1) The specified fine and costs for the violation; and
- (2) That a person must respond to the violation notice by:
 - (A) Paying the specified fine and court costs; or
 - (B) Pleading not guilty and appearing at trial.

(c) The violation notice shall be substantially in the form of the Uniform Citation set out in Form 37.A, with such additions as may be necessary to adapt the Uniform Citation to the jurisdiction involved.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019; Oct. 15, 2018, eff. May 1, 2019.)



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Supreme Court Rules

<p>Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus</p> <p>Topic: Ordinance Violations - Information</p>	<p>Section/Rule: 37.34</p> <p>Publication / Adopted Date: May 14, 1985</p> <p>Revised / Effective Date: January 1, 2019</p>
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37.34. Ordinance Violations - Information

All ordinance violations shall be prosecuted by information. An information charging the commission of an ordinance violation may be based on the prosecutor’s information and belief that the ordinance violation was committed. The information shall be supported by a violation notice or statement of probable cause as prescribed by Rule 37.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

{Formerly titled “Information.”}

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.35
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Information - Form of - Contents	Revised / Effective Date:	January 1, 2019

37.35. Information - Form of - Contents

(a) The information shall be in writing, signed by the prosecutor and filed in the court having jurisdiction of the ordinance violation.

(b) The information shall:

- (1) State the name of the defendant or, if not known, designate the defendant by any name or description by which the defendant can be identified with reasonable certainty;
 - (2) State plainly, concisely, and definitely the essential facts constituting the ordinance violation charged, including facts necessary for any enhanced punishment;
 - (3) State the date and place of the ordinance violation charged as definitely as can be done;
 - (4) Cite the chapter and section of the ordinance alleged to have been violated and the chapter and section providing the penalty or punishment;
- and
- (5) Cite the state approved charge code if one exists.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

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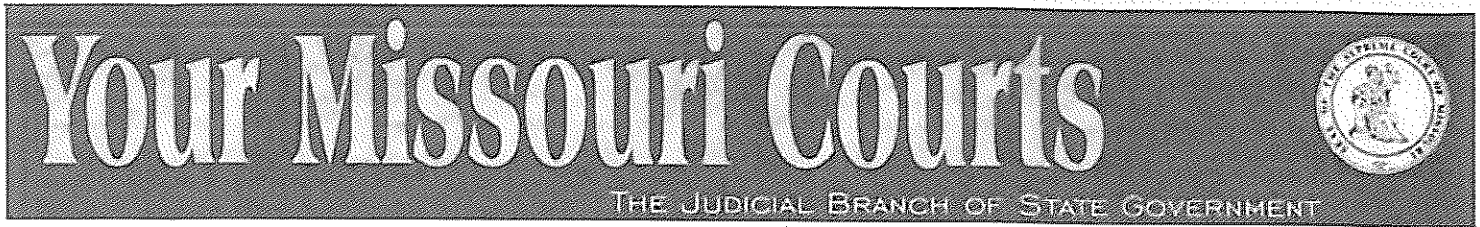
Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.36
Topic:	Information - Joinder of Violations	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.36. Information - Joinder of Violations

All ordinance violations that are of the same or similar character or based on the same act or on two or more acts that are part of the same transaction or on two or more acts or transactions that are connected or that constitute parts of a common scheme or plan may be charged in the same information in separate counts.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.37
		Publication / Adopted Date:	May 14, 1985
Topic:	Information - Joinder of Defendants	Revised / Effective Date:	July 1, 2004

37.37. Information - Joinder of Defendants

Two or more defendants may be charged in the same information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an ordinance violation or violations. Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.38
		Publication / Adopted Date:	May 14, 1985
Topic:	Information - Incorrect Name of Defendant	Revised / Effective Date:	July 1, 2004

37.38. Information - Incorrect Name of Defendant

Any defendant charged in an information under an incorrect name may furnish the defendant's correct name, and the correct name shall be substituted in the information. The defendant's failure to furnish the correct name shall not invalidate the proceedings.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.39
		Publication / Adopted Date:	May 14, 1985
Topic:	Information - Amendment - Delay	Revised / Effective Date:	July 1, 2004

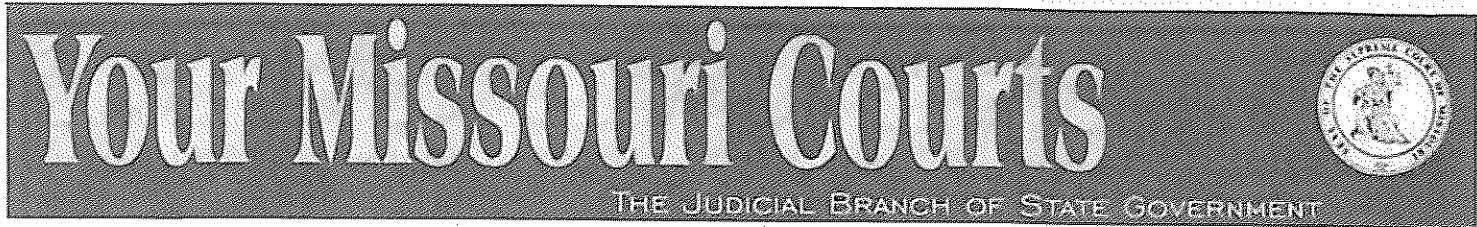
37.39. Information - Amendment - Delay

Any information charging an ordinance violation may be amended at any time before verdict or finding if:

- (a) No additional or different ordinance violation is charged, and
- (b) A defendant's substantial rights are not thereby prejudiced.

No such amendment shall cause delay of a trial unless the court finds that a defendant needs further time to prepare a defense by reason of such amendment.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.40
Topic:	Information - Unavailability of Original	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.40. Information - Unavailability of Original

If the original information is unavailable for any reason, a copy, certified by the clerk or by the prosecutor, may be substituted.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.41
Topic:	Information - Nonprejudicial Defects	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.41. Information - Nonprejudicial Defects

An information shall not be invalid, nor shall the trial, judgment, or other proceedings on the information be stayed, because of any defect that does not prejudice the substantial rights of the defendant.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.42
Topic:	Summons - Contents	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.42 Summons - Contents

The summons shall:

- (a) Be in writing and in the name of the prosecuting county or municipality;
- (b) State the name of the defendant summoned and the address, if known;
- (c) Describe the ordinance violation charged;
- (d) Be signed by the court, or clerk at the court's direction for a specific summons; and
- (e) Command the defendant to appear before the court at a stated time and place in response thereto.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.43
		Publication / Adopted Date:	May 14, 1985
Topic:	Ordinance Violation - Summons or Arrest Warrant - When Issued - Failure to Appear	Revised / Effective Date:	January 1, 2020

37.43 Ordinance Violation - Summons or Arrest Warrant - When Issued - Failure to Appear

When an information charging the commission of an ordinance violation and a statement of probable cause are filed pursuant to Rule 37, a summons shall be issued unless the court finds that there are:

- (a) Sufficient facts stated to show probable cause that an ordinance violation has been committed, and
- (b) 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 defendant poses a danger to a victim, the community, or any other person.

If the court so finds, a warrant for the arrest of the defendant may be issued. If a warrant is issued under this Rule, the court shall take into account, on the basis of available information, which may include a written recommendation from the prosecutor, the factors set forth in Rule 37.15(e) when setting the condition or combination of conditions of release, if any, required by Rule 37.15(b) and allowed by Rule 37.15(c).

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended June 16, 1998, eff. July 1, 1999; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019; Dec. 18, 2018, eff. Jan. 1, 2019; Jun. 28, 2019, eff. Jan 1, 2020.)

{Formerly titled "Summons - When Issued - Failure to Appear."}

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.435
	Statement of Probable Cause	Publication / Adopted Date:	January 1, 2019
		Revised / Effective Date:	January 1, 2020

37.435 Statement of Probable Cause

A statement of probable cause must be in writing and shall:

- (a) State the name of the defendant or, if not known, designate the defendant by any name or description by which the defendant can be identified with reasonable certainty;
- (b) State the date and place of the ordinance violation as definitely as can be done;
- (c) State the facts that support a finding of probable cause to believe an ordinance violation was committed and that the defendant committed it;
 - (d) If a warrant will be requested, state the facts, if any, that support a finding of reasonable grounds to believe the defendant will not appear upon the summons or the defendant poses a danger to a victim, the community, or any other person;
- (e) State the facts contained therein are true;
- (f) Be signed and on a form bearing notice that false statements made therein are punishable by law; and
- (g) Shall accompany an information when an arrest warrant is sought.

(Adopted Jan. 1, 2019. Amended Dec. 18, 2018, eff. Jan. 1, 2019; Jun. 28, 2019, eff. Jan. 1, 2020.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.44
Topic:	Summons - Service and Return	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.44. Summons - Service and Return

A summons may be served by:

- (a) The clerk mailing it to defendant's last known address by first class mail; or
- (b) An officer in the manner provided by [Rule 54.13](#) or [Rule 54.14](#).

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.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.45
		Publication / Adopted Date:	May 14, 1985
Topic:	Warrant for Arrest - Contents	Revised / Effective Date:	January 1, 2020

37.45 Warrant for Arrest - Contents

(a) The warrant for arrest must be in writing and issued in the name of the prosecuting county or municipality. It may be directed to any peace officer in the state.

(b) The warrant shall:

- (1) Contain the name of the defendant to be arrested or, if not known, any name or description by which the defendant can be identified with reasonable certainty;
- (2) Describe the ordinance violation charged in the information;
- (3) State the date when issued and the jurisdiction where issued;
- (4) Command that the defendant named or described therein be arrested and brought, in person or by interactive video technology, before the court designated in the warrant;
- (5) Specify the condition or combination of conditions of release, if any, required by Rule 37.15(b) and allowed by Rule 37.15(c), or the determination made under Rule 37.15(d); and
- (6) Be signed by the court or clerk at the court's direction for a specific warrant.

(Adopted May 14, 1985, eff. Jan. 1, 1986; Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan 1, 2020.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.46
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Warrant for Arrest - Service	Revised / Effective Date:	January 1, 2020

37.46 Warrant for Arrest - Service

All warrants ordered for an ordinance violation may be directed to any peace officer in the state.

The warrant shall be executed by the arrest of the defendant.

A warrant may be executed anywhere in the state by any peace officer.

The peace officer need not possess the warrant at the time of the arrest, but upon request the officer shall show the warrant to the defendant as soon as possible. If the peace officer does not possess the warrant at the time of the arrest, the officer shall inform the defendant of the ordinance violation charged and the fact that a warrant has been issued.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.47
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Initial Proceedings before a Judge	Revised / Effective Date:	January 1, 2020

37.47 Initial Proceedings Before a Judge

(a) Initial Appearance Under Warrant Before Judge. A defendant arrested and confined under the initial warrant for any ordinance violation issued pursuant to [Rule 37.43](#) shall be brought forthwith for an appearance, in person or by interactive video technology, before a judge of the court from which the warrant was issued. This initial appearance shall be held no later than 48 hours, excluding weekends and holidays, after the defendant is confined under the warrant in the county that issued the warrant or in a county with which the county issuing the warrant has a contractual agreement to hold the defendant.

The warrant, with proper return thereon, shall be filed with the court forthwith.

(b) Statement of Judge. Upon the defendant's initial appearance, the judge shall inform the defendant of:

- (1) The ordinance violation charged,
- (2) The right to retain counsel,
- (3) The right to request the appointment of counsel if:
 - (A) The defendant is indigent and unable to employ counsel, and
 - (B) There is a possibility of a jail sentence, and
- (4) The right to remain silent.

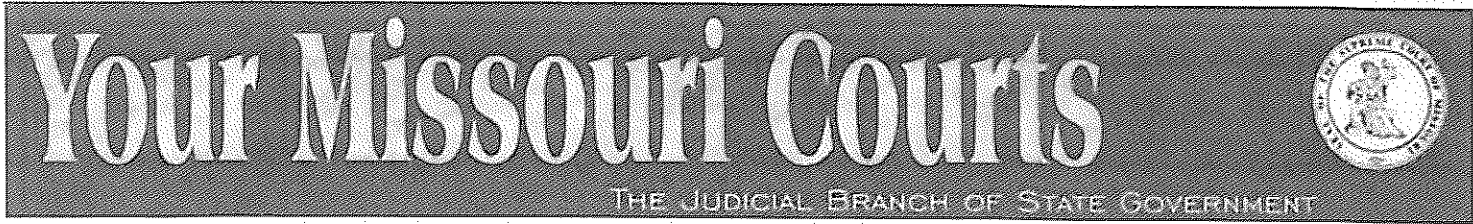
(c) If the defendant is appearing after release from custody on a warrant, the court shall inform the defendant of the conditions of release and that a warrant may be issued immediately upon any violation of a condition of release. The court shall also advise the defendant of the right to apply for a modification of any conditions of release at a hearing pursuant to [Rule 37.19](#).

(d) If the defendant is in custody after arrest on a warrant, the court shall inform the defendant of the conditions of release, if any, and determine whether the defendant can meet the conditions. If a defendant is unable to meet the conditions, then the court may modify the conditions of release if the court determines the circumstances of the defendant and the case require modification of the conditions. The court shall inform the defendant that a warrant for arrest may be issued immediately upon any violation of a condition of release. If the defendant is not released from custody following the initial appearance, the court shall advise the defendant of the right to a release hearing pursuant to Rule 37.20.

(e) If the defendant has appeared on a summons and the offense is required to be given an offense cycle number, the court shall ensure the defendant has been fingerprinted and processed by the appropriate law enforcement agency for the purposes of creating an offense cycle number.

The judge shall also inform the defendant that any statement made by the defendant may be used against the defendant.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.48
Topic:	Arraignment	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2020

37.48 Arraignment

Arraignment shall be conducted in open court and shall consist of reading the information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant shall be afforded a reasonable time to examine the charge before the defendant is called upon to plead.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. Jul. 1, 2004; Jun. 28, 2019, eff. Jan. 1, 2020.)

{Formerly titled "Summons or Information - Arraignment."}

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.49
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Local Violations Bureau - Violations Clerk - Schedule of Fines - Payment	Revised / Effective Date:	January 1, 2020

37.49. LOCAL VIOLATIONS BUREAU – VIOLATIONS CLERK – SCHEDULE OF FINES – PAYMENT

(a) Any judge having original jurisdiction of any animal control violation, housing violation, or traffic violation may establish by court order a local violations bureau, which shall be subject to the supervision of the circuit court.

(b) The order shall designate a clerk. The clerk shall perform the duties designated by the court, including accepting appearance, waiver of trial, plea of guilty, and payment of fine and costs for the designated violations, entering the plea on the record, and transmitting the violation record as required by law, subject to the limitations hereinafter prescribed.

(c) The violations within the authority of the bureau shall be designated by the order. The order shall include all violations contained in the uniform fine schedule established by Rule 37.495, except those that are not offenses within the respective municipality or county. No other violation shall be included in the order. Such designated violations may be amended from time to time but shall in no event include the following:

- (1) Any individual violation submitted by the prosecutor for disposition through a court appearance;
- (2) Any individual violation for which the court orders a summons to be issued;
- (3) Any violation resulting in personal injury or property damage;
- (4) Any violation for operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (5) Any violation for operating a vehicle with a counterfeited, altered, suspended, or revoked license;

(6) Any violation for fleeing or attempting to elude an officer; and

(7) Any other violation excluded by law.

(d) For those violations included within the authority of the bureau by virtue of an order pursuant to Rule 37.49(a) and (c) the order shall adopt the uniform fine schedule established by Rule 37.495. The schedule shall be prominently posted at the place where the fines are to be paid, and shall specify by schedule the amount of fines and costs to be imposed for each violation.

(e) Any person charged with a violation designated within the order may pay the specified amount of the fine and costs to the bureau:

(1) through an electronic payment system authorized in the order; (2) in person; or (3) by mail. Full payment received before the court date and time for initial appearance constitutes a guilty plea and waiver of trial. Full payment received on or after the initial appearance date and time may, in the court's discretion, be accepted as a guilty plea and waiver of trial.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019; Oct. 15, 2019, eff. May 1, 2019; Jun. 25, 2019, eff. Jan. 1, 2020; Corrected Dec. 24, 2019, Jan. 1, 2020)

{Formerly titled "Traffic Violations Bureau - Violations Clerk - Schedule of Fines - Payment."}

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.495
Topic:	The Uniform Fine Schedule	Publication / Adopted Date:	October 15, 2018
		Revised / Effective Date:	May 1, 2019

37.495. The Uniform Fine Schedule

The committee shall promulgate and maintain the uniform fine schedule for animal control violations, housing violations, and traffic violations disposed through a Rule 37 violations bureau. The schedule shall be filed with the clerk of the Court.

(Adopted Oct. 15, 2018, eff. May 1, 2019)

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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.50
Topic:	Right to Counsel - Appointment of Counsel	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

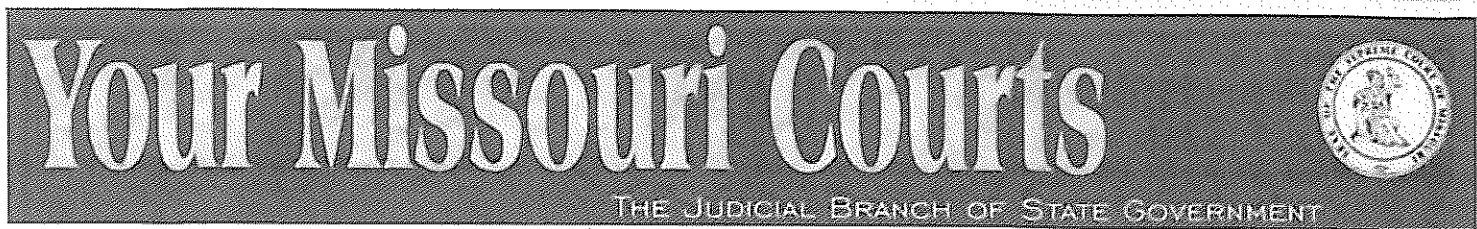
37.50. Right to Counsel - Appointment of Counsel

In a prosecution for an ordinance violation, the defendant shall have the right to appear and defend in person and by counsel.

If any person charged with an ordinance violation, whose conviction would possibly result in confinement, shall be without counsel upon a first appearance before a judge, it shall be the duty of the judge to advise the defendant of the right to counsel and of the willingness of the judge to appoint counsel to represent the defendant if the defendant is unable to employ counsel. Upon a showing of indigency, it shall be the duty of the judge to appoint counsel to represent the defendant.

If, after being informed of the right to counsel, the defendant requests to proceed without the benefit of counsel and the judge finds that the defendant has knowingly, voluntarily and intelligently waived the defendant's right to have counsel, the judge shall have no duty to appoint counsel. If at any stage of the proceedings it appears to the judge before whom the matter is then pending that because of the gravity of the ordinance violation charged and other circumstances affecting the defendant the failure to appoint counsel may result in injustice to the defendant, the judge shall then appoint counsel. Appointed counsel shall be allowed a reasonable time in which to prepare the defense.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.51
Topic:	Pleadings and Motions before Trial - Defenses and Objections - Hearing on Motion	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.51. Pleadings and Motions Before Trial - Defenses and Objections - Hearing on Motion

(a) **Pleadings.** Pleadings shall be the information and plea thereto.

(b) **Motion Raising Defenses and Objections.**

(1) *Defenses and Objections That May Be Raised.* Any defense or objection that is capable of determination without trial of the general issue may be raised before trial by motion.

(2) *Defenses and Objections That Must Be Raised.* Defenses and objections based on defects in the institution of the prosecution or in the information other than that it fails to show jurisdiction in the court or to charge an ordinance violation may be raised only by motion before trial.

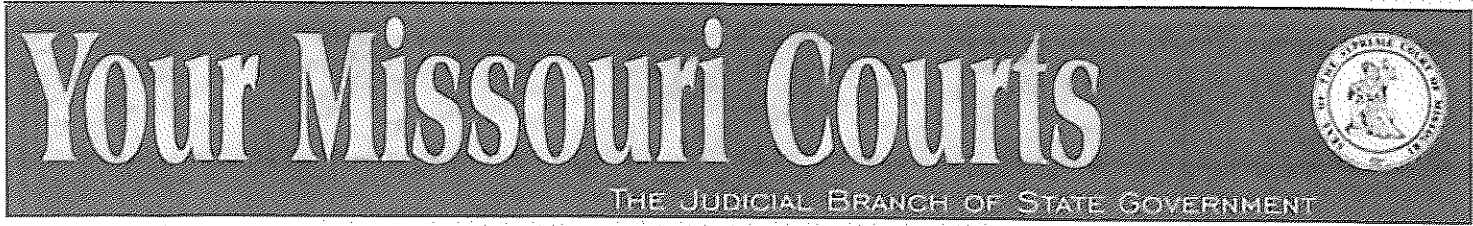
The motion shall include all such defenses and objections then available to the defendant. Failure to present any such defense or objection as herein provided constitutes a waiver thereof, but the court for cause shown may grant relief from the waiver.

(3) *Time of Making Motion.* The motion shall be made before the plea is entered, but the judge may permit it to be made within a reasonable time thereafter.

(4) *Hearing on Motion.* The motion shall be heard and determined before trial on application of the prosecutor or the defendant, unless the court orders that the hearing and determination be deferred until the trial.

(5) *Matters That Shall Be Noticed by the Court.* Lack of jurisdiction or the failure of the information to charge an ordinance violation shall be noticed by the court at any time during the pendency of the proceeding.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.52
Topic:	Motions to Suppress	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.52. Motions to Suppress

Requests that evidence be suppressed shall be raised by motion before trial; however, the court in the exercise of discretion may entertain a motion to suppress evidence at any time during trial.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.53
Topic:	Disqualification and Change of Judge	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.53. Disqualification and Change of Judge

(a) This Rule 37.53 governs the procedure for disqualification of a judge in all ordinance violation cases, except those heard de novo or those in which there is a timely exercise of a right to a jury trial.

(b) Without Application. The judge shall recuse:

(1) When the judge is related to any defendant, when the judge has an interest in the case, or when the judge previously has been counsel in the case or

(2) When the attorney representing the prosecuting county or municipality in the case regularly serves as a judge in another municipal division located within the same county before whom the judge regularly represents a prosecuting county or municipality.

(c) With Application – Procedure. A change of judge shall be ordered upon the filing of a written application therefor by any party. The applicant need not allege or prove any reason for such change.

The application need not be verified and may be signed by any party or an attorney for any party.

The application must be filed not later than ten days after the initial plea is entered.

If the designation of the trial judge occurs less than ten days before trial, the application may be filed any time prior to trial. If the designation of the trial judge occurs more than ten days after the initial plea is entered, the application shall be filed within ten days of the designation of the trial judge or prior to the commencement of any proceeding on the record, whichever is earlier.

No party shall be allowed more than one change of judge pursuant to this Rule 37.53(c). However, no party shall be precluded from requesting any change of judge for cause at any time.

(d) When a timely application for a change of judge is filed or a judge recuses, the judge shall:

- (1) Comply with any circuit court rule that provides for the assignment of a judge; or
- (2) Notify the presiding judge of the circuit who shall designate a judge to hear the case or request this Court to transfer a judge to hear the case.

(e) If an associate circuit judge or a circuit judge is designated to try the case, the designated judge shall determine the location of the trial at a place within the county.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; June 27, 2016, eff. Jan. 1, 2017; June 29, 2018, eff. Jan. 1, 2019.)

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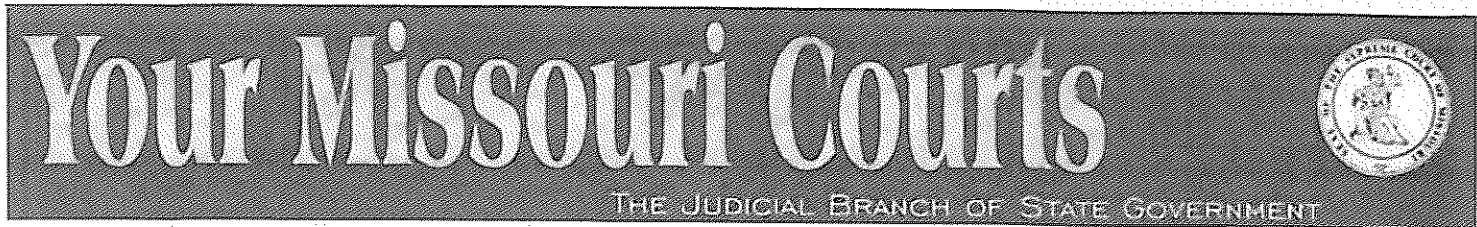
Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.54
Topic:	Discovery	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.54. Discovery

Discovery shall be permitted solely in the judge's discretion as justice requires.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule: 37.55 Publication / Adopted Date: May 14, 1985
Topic:	Process for Witnesses - Subpoena Duces Tecum - Service - Return - Failure to Appear - Hearing Continuance - Contempt	Revised / Effective Date: July 1, 2004

37.55. Process for Witnesses - Subpoena Duces Tecum - Service - Return - Failure to Appear - Hearing Continuance - Contempt

The prosecutor and the defendant shall be entitled to process for witnesses as follows:

(a) For Attendance of Witnesses; Form; Issuance. A subpoena shall be issued by the clerk under the seal of the court. It shall state the name of the court and the title of the proceedings and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein.

The clerk shall issue a subpoena, signed and sealed but otherwise in blank to a party requesting it, who shall fill in the blanks before it is served.

(b) For Production of Documentary Evidence and of Objects. A subpoena duces tecum may also command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein.

(c) Modification of Subpoena. The court may quash or modify a subpoena if compliance would be unreasonable or oppressive.

The court may direct that books, papers, documents, or objects designated in a subpoena duces tecum be produced before the court at a time prior to the trial or prior to the time when they are offered in evidence. Upon their production the court may permit the books, papers, documents, or objects, or portions thereof to be inspected by the parties or their attorneys.

(d) Service – Tender of Fees and Mileage Not Required. A subpoena may be served by any peace officer or by any other person who is not a party and who is not less than 18 years of age. A subpoena may be served any place within the state.

Fees and mileage need not be tendered to the witness upon service of a subpoena.

The service of a subpoena shall be by reading the same or delivering a copy thereof to the person to be summoned. If the witness shall refuse to hear such subpoena read or to receive a copy thereof, the offer of the officer or other person to read the same or to deliver a copy thereof and such refusal shall be sufficient service of such subpoena.

(e) Return.

- (1) Every officer to whom a subpoena is delivered for service shall make return thereof in writing as to the time, place, and manner of service of the subpoena, and shall sign the return.
- (2) If a person other than an officer makes service of the subpoena, he or she shall make affidavit as to the time, place, and manner of service.

(f) Contempt. Any person who does not obey a subpoena without good cause shall be subject to contempt of court proceedings.

(g) Continuing Obligation to Attend. Whenever a witness in a proceeding has been once subpoenaed or required to give bail to appear before the court, the witness shall attend from time to time until the case is disposed or the witness is finally discharged by the judge. The witness shall be liable to attachment and bail may be forfeited for failure to appear if the witness has received notice of the time and place to appear.

If the trial is continued, the judge shall orally notify such witnesses present as either party requests to attend on the new date set for hearing to give testimony. The oral notice shall be valid as a summons. The names of the witnesses so notified shall be entered on the docket.

It shall be the sole responsibility of the respective parties or their attorneys to notify any witnesses not orally notified by the judge of the new date set for hearing, and court process shall be provided for such purpose when requested.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.56
Topic:	Continuances	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.56. Continuances

The prosecution and defense in each case shall have the right to a speedy trial. Continuances may be granted for good cause shown.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.57
Topic:	Presence of Defendant - When Required	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.57. Presence of Defendant - When Required

- (a) No trial shall be conducted or a plea of guilty entered unless the defendant is present, except the court, the prosecuting attorney, and the defendant may agree that the defendant need not be present.
- (b) A verdict may be received by the court in the absence of the defendant when such absence is voluntary.
- (c) If there is a record entry showing that the defendant was present at the commencement or at any stage of the trial, it shall be presumed, in the absence of any record entry to the contrary, that he was present during the entire trial.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.58
Topic:	Pleas	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.58. Pleas

(a) **Alternatives.** A defendant may plead not guilty or guilty. If a defendant refuses to plead or if a corporation fails to appear, the court shall enter a plea of not guilty.

(b) **Advice to Defendant.** Except as provided by [Rule 37.49](#) or [Rule 37.57](#), before accepting a plea of guilty, the judge shall inform the defendant of the following:

- (1) The nature of the charge to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law; and
- (2) The defendant's right to be represented by an attorney and that the judge will appoint an attorney for the defendant if defendant is indigent and if it appears to the judge that there would possibly be a jail sentence upon conviction; and
- (3) That if defendant pleads guilty there will not be a trial of any kind, so that by pleading guilty the defendant waives the right to a trial, and
- (4) The defendant's right to plead not guilty or to persist in that plea if it has already been made.

The judge shall further inform defendant of any right to a jury trial, the right to present witnesses on behalf of the defendant, that defendant has the right to confront and cross-examine witnesses against defendant, that defendant has the right to testify and that nobody can compel defendant to testify.

The judge shall determine whether the defendant understands, upon oral or written information provided, the matters presented.

(c) **Ensuring That the Plea is Voluntary.** Except as provided by [Rule 37.49](#) or [Rule 37.57](#), the judge shall not accept a plea of guilty unless the judge finds that said plea is knowingly, voluntarily, and intelligently made and not the result of force or threats or promises.

(d) Waiver of Counsel. If the defendant would possibly receive a jail sentence upon conviction, the judge shall determine, before accepting the defendant's plea of guilty or not guilty, that the defendant has made a knowledgeable, voluntary, and intelligent waiver of the right to assistance of counsel.

Prior to making the finding, the judge shall review with the defendant a written waiver of counsel.

If the judge finds the waiver is knowingly, voluntarily, and intelligently made, the waiver shall be signed by the defendant, witnessed by the judge or the clerk at the judge's direction, and appropriately recorded. The written waiver of counsel shall be substantially in the form as set out in Form 37.C.

(e) Plea Agreement Procedure. The judge shall not participate in any plea agreement discussions, but after a plea agreement has been reached the judge may discuss the agreement with the attorneys including any alternative that would be acceptable.

(1) *In General.* The prosecutor and the attorney for the defendant or the defendant acting pro se may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea of guilty to a charged ordinance violation or to a lesser or related ordinance violation, the prosecutor will do any of the following:

(A) Dismiss other charges; or

(B) Make a recommendation, or agree not to oppose the defendant's request for a particular sentence with the understanding that such recommendation or request shall not be binding on the judge; or

(C) Agree that a specific sentence is the appropriate disposition of the case; or

(D) Make a recommendation for, or agree on, another appropriate disposition of the case.

(2) *Disclosure of Plea Agreement – Court's Actions Thereon.* If the parties have reached a plea agreement, the judge shall require the disclosure of the agreement in open court or, on a showing of good cause, in camera at the time the plea is offered. If the agreement is pursuant to Rule 37.58(e)(1)(B), the judge shall advise the defendant that the plea cannot be withdrawn if the judge does not adopt the recommendation or request. Thereupon the judge may accept or reject the agreement or may defer a decision as to the acceptance or rejection until there has been an opportunity to consider the presentence report.

(3) *Acceptance of a Plea Agreement.* If the judge accepts the plea agreement, the judge shall inform the defendant that the judge will embody in the judgment and sentence the disposition provided for in the plea agreement.

(4) *Rejection of a Plea Agreement.* If the judge rejects the plea agreement, the judge shall inform the parties of this fact, advise the defendant personally in open court or, on a showing of good cause, in camera that the judge is not bound by the plea agreement, afford the defendant the opportunity to then withdraw the plea if it is based on an agreement pursuant to Rule 37.58(e)(1)(A), (C), or (D), and advise the defendant that if the defendant persists in the guilty plea, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

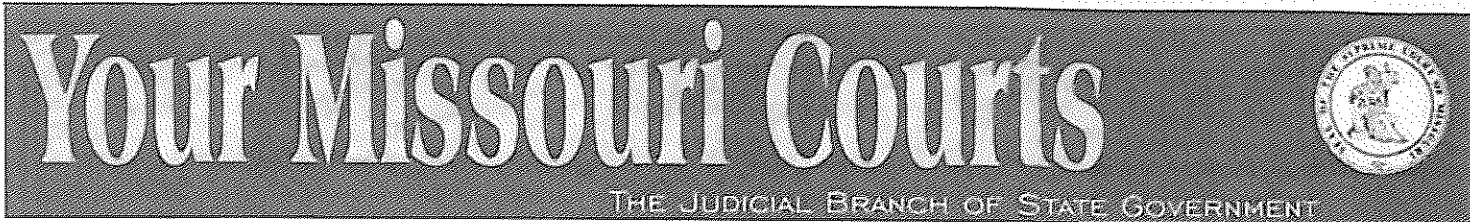
(5) *Inadmissibility of Pleas, Offers of Pleas, and Related Statements.* Except as otherwise provided in this subdivision, evidence of a plea of guilty, later withdrawn, or of offer to plead

guilty to the ordinance violation charged or of any other ordinance violation, or of statements made in connection with, and relevant to, any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to a plea of guilty, later withdrawn, or an offer to plead guilty to the ordinance violation charged or any other ordinance violation, is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath and in the presence of counsel.

(f) Determining Accuracy of Plea. The judge shall not enter a judgment upon a plea of guilty without first determining that there is a factual basis for the plea.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

{Formerly titled "Plea Negotiations."}



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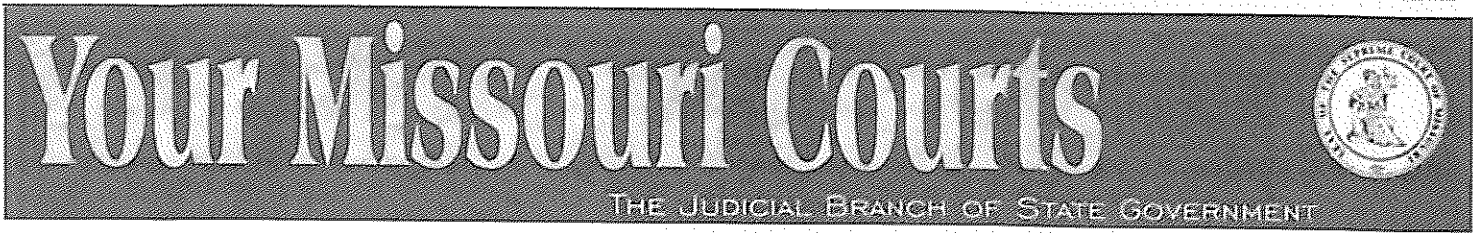
Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.59
Topic:	[RESERVED]	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.59. [RESERVED]

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

{Formerly titled "Pleas."}



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.60
Topic:	Severance	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

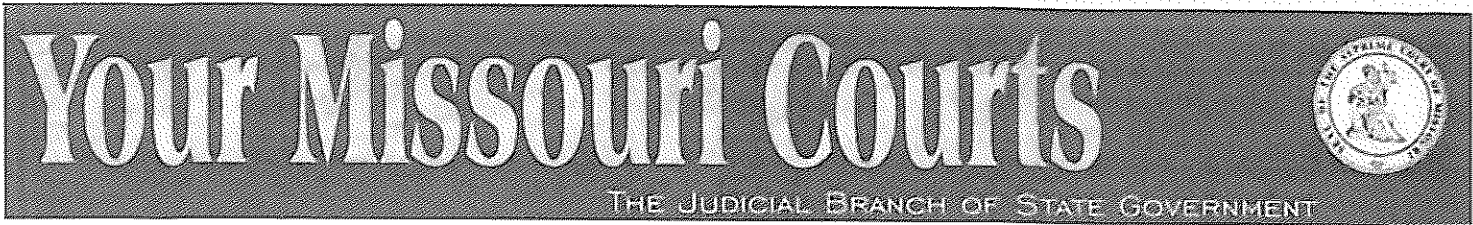
37.60. Severance

If two or more defendants are charged in an information, all defendants shall be tried together unless the court orders a defendant to be tried separately. A defendant shall be ordered to be tried separately only if the defendant files a written motion requesting a separate trial and the court finds a probability of prejudice exists.

If a defendant is charged with more than one ordinance violation in the same information, the violations shall be tried jointly unless the court orders a violation to be tried separately. A violation shall be ordered to be tried separately only if:

- (a) A party files a written motion requesting a separate trial of the offense;
- (b) A party makes a particularized showing of substantial prejudice if the violation is not tried separately; and
- (c) The court finds the existence of a bias or discrimination against the party that requires a separate trial of the violation.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.61
Topic:	Trials - Issues of Fact - Jury - Certification	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.61. Trials - Issues of Fact - Jury - Certification

- (a) All trials of ordinance violations shall be held in open court in an orderly manner according to law.
- (b) If practical, traffic cases shall be heard and tried separately from other types of cases. Where a particular session of court has been designated a traffic case session, only traffic cases shall be tried except for good cause shown.
- (c) The judge shall determine all issues of fact in ordinance violation cases unless a jury trial is authorized by law and requested by the defendant.
- (d) A request for a jury trial shall be made by motion filed at least ten days prior to the scheduled trial date. If the designation of the trial date occurs less than ten days before trial, the application may be filed any time prior to trial. The judge shall promptly rule on a motion for jury trial. If the motion is sustained, the case shall be certified to the presiding judge for assignment for trial by jury unless otherwise provided by statute.
- (e) All jury trials shall proceed in the manner provided for the trial of a misdemeanor by the rules of criminal procedure.
- (f) If the defendant files a written motion requesting to waive a jury trial and attaches a waiver of the right to a jury trial, the case shall be remanded to the municipal division for further proceedings unless the judge finds such remand would be unfair to the parties.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.62
Topic:	Order of Trial	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.62. Order of Trial

The order of trial in nonjury ordinance violation cases shall be as follows:

- (a) The prosecutor may make an opening statement. The defendant may make an opening statement or reserve it.
- (b) The prosecutor shall offer evidence.
- (c) The defendant may move for judgment of acquittal.
- (d) The defendant may make an opening statement, if reserved.
- (e) Evidence may be offered on behalf of the defendant.
- (f) The parties, respectively, may offer evidence in rebuttal.
- (g) The defendant may move for judgment of acquittal.
- (h) The court may fix the length of time for arguments and shall announce it to counsel. The prosecutor shall make the opening argument, the attorney for the defendant shall make an argument, and the prosecutor shall conclude the argument. Each party may waive the right to argument.
- (i) The judge pronounces judgment.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.63
		Publication / Adopted Date:	May 14, 1985
Topic:	Failure of Defendant or Defendant's Spouse to Testify	Revised / Effective Date:	July 1, 2004

37.63. Failure of Defendant or Defendant's Spouse to Testify

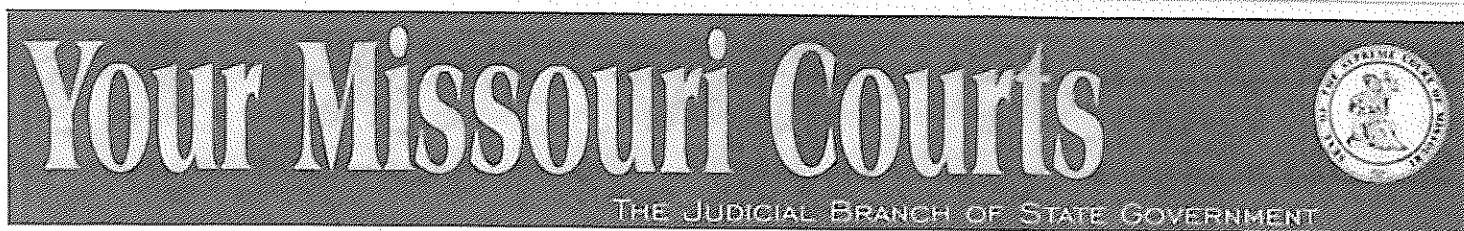
(a) If the defendant shall not avail himself or herself of the right to testify or of the testimony of the wife or husband on the trial in the case, it shall not be construed to affect the innocence or the guilt of the defendant nor shall the same raise any presumption of guilt, nor be referred to by any party or attorney in the case, nor be considered by the court or jury before whom the trial takes place.

(b) If the defendant does not testify and the defendant so requests, but not otherwise, the court shall instruct the jury in writing as follows:

“Under the law, a defendant has the right not to testify. No presumption of guilt may be raised and no inference of any kind may be drawn from the fact that defendant did not testify.”

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

{Formerly titled “Failure of Accused or Wife to Testify.”}



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.64
Topic:	Sentence and Judgment	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	January 1, 2019

37.64. Sentence and Judgment

(a) Pre-sentence Investigation.

(1) *When Made.* When a probation or parole officer is available to the judge and upon the direction of the judge, the officer shall make a pre-sentence investigation and report to the judge before the imposition of sentence or the granting of probation. The report shall be submitted to the court only after the defendant has pleaded guilty or has been found guilty.

(2) *Report.* The report of the pre-sentence investigation shall contain such information as the judge shall request. Before making any authorized disposition, the judge, upon request of defendant or the attorney for defendant, shall allow the defendant and the attorney for the defendant access to the complete pre-sentence investigation report and recommendations.

(b) **Sentence.** Sentence shall be imposed without unreasonable delay. A defendant must be personally present when sentence and judgment are pronounced unless the judge, the prosecutor, and the defendant consent to the absence of the defendant.

(c) **Notification of Right to Trial De Novo.** After imposing sentence, the judge shall advise the defendant of any right to trial de novo and the right of a defendant who is unable to pay the cost the right to proceed as an indigent.

(d) **Judgment.** A judgment of conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly.

(e) **Probation and Parole.** If authorized by law, the judge may suspend the imposition of sentence or execution of sentence and place the defendant on probation or parole for a term not to exceed two years.

(f) **Stay of Sentence.** The court in which any judgment, whether of incarceration or fine, was rendered

may grant, by an order entered of record and signed by the judge, a stay of execution upon such judgment or portion thereof for a specified period or periods of time. The judge may require the defendant to enter into a bond conditioned upon surrender of the defendant in execution upon such judgment on a day to be specified in such order.

(g) Conviction of Two or More Sentences. When pronouncing sentence, the judge shall state whether the sentence shall run consecutively or concurrently with sentences on one or more ordinance violations for which defendant is being sentenced or for which defendant has been previously sentenced. If the judge fails to do so at the time of pronouncing the sentences, the respective sentences shall run concurrently.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; Dec. 18, 2018, eff. Jan. 1, 2019.)



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Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.65
		Publication / Adopted Date:	May 14, 1985
Topic:	Imposition and Payment of Fines, Fees, and Costs, and Contempt Proceedings	Revised / Effective Date:	January 1, 2019

37.65. Imposition and Payment of Fines, Fees, and Costs, and Contempt Proceedings

(a) Judicial Inquiry as to Ability to Pay. When a fine, fee, or cost is assessed, or thereafter any time a fine, fee, or cost is due, if the defendant states the defendant is unable to pay the amount then due, the judge shall inquire as to the defendant's ability to pay.

(b) Defendant Has Ability to Pay But Unable to Pay when Assessed or Due. If the judge finds the defendant has the ability to pay but is unable to pay the amount when assessed or due, the judge shall order a stay of execution on the payment and:

- (1) Grant the defendant a specified period of time within which to pay the fine in full; or
- (2) Provide for the payment of the fine on an installment basis under such terms and conditions as the judge may deem appropriate.

(c) Defendant Has No Ability to Pay. If the judge finds the defendant does not have the ability to pay the amount when assessed or due and is unable to acquire the resources to pay, the judge shall, after consideration of the violation, the defendant's financial circumstances, disabilities, driving restrictions, transportation limitations, and caregiving and employment responsibilities, impose alternative sanctions that may include, but are not limited to:

- (1) Waiver or suspension of imposition of any fine, fee, or cost or of the amount previously assessed and due;
- (2) Imposition of a lower amount of any fine, fee, or cost or reduction of the amount previously assessed and due;
- (3) Community service in lieu of any fine, fee, or cost; or
- (4) Court-approved programs, e.g., driver skills, education, job skills, mental health or drug treatment in lieu of any fine, fee, or cost.

(d) Show Cause Order Requirements. When a defendant defaults in the payment of the fine, fee, or cost or fails to perform an ordered alternative sanction, the judge may issue an order to show cause for criminal contempt consistent with the due process requirements of Rule 36.01(b) on the motion of the prosecuting attorney or on the judge's own motion. The order to show cause for criminal contempt shall include:

- (1) The hearing date, time and location;
- (2) The total amount claimed past due or alternative sanction ordered but not performed;
- (3) Notice to the defendant that:
 - (i) If the show cause order was issued for failure to pay, the judge shall evaluate the defendant's ability to pay at the hearing and the defendant should bring any documentation or information the judge should consider in determining ability to pay;
 - (ii) If the defendant is unable to pay the defendant can request a payment alternative, including, but not limited to, community service and/or a reduction of the amount due;
 - (iii) The defendant may have the right to have counsel appointed if indigent; and
 - (iv) Incarceration for failure to pay may result only if alternative measures are not adequate to meet the municipality's or county's interest in punishment and deterrence or the judge finds the defendant had the ability to pay and willfully failed to do so.

(e) Summons or Arrest Warrant. The court shall issue a summons for the defendant's appearance on the order to show cause unless the defendant has previously failed to appear at a prior court date in the case. The summons shall have the order to show cause attached and may be served by the clerk mailing it to the defendant's last known address by first class mail. In the event the defendant has previously failed to appear or fails to appear on the summons, the court may issue a warrant to secure the defendant's appearance for a hearing on the order to show cause. Upon arrest, defendant is entitled to be conditionally released as provided in these rules.

(f) Incarceration after Hearing and Written Findings. A judge may not incarcerate the defendant for nonpayment of a fine, fee, or cost unless the judge holds a hearing, with adequate notice to the defendant, and makes one of the following written findings:

- (1) The failure to pay was not due to an inability to pay but was willful or due to a failure to make bona fide efforts to pay; or
- (2) The failure to pay was not the fault of the defendant and alternatives to incarceration are not adequate in the circumstances of the case to meet the municipality's or county's interest in punishment and deterrence.

(g) Contempt Order, Punishment. If following the show cause hearing the judge makes written findings:

- (1) that the defendant was given adequate notice of the hearing as required by this rule,
- (2) that the defendant had the opportunity to be represented by counsel and a reasonable time to prepare a defense,
- (3) that the defendant had a meaningful opportunity to present evidence and argument at the hearing, and

(4) setting out the essential facts constituting the contempt, the judge may impose punishment for failure to pay, including incarceration for a term not to exceed 30 days when findings are made as required by (f) of this rule . The judge may provide in the order that payment or satisfaction of the amount due at any time will entitle the defendant to release from incarceration or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the amount due. If the judge finds the defendant's failure to comply with an order for an alternative sanction was willful, the judge may impose punishment for criminal contempt as authorized by law.

(h) Collection of Amount Due Following Failure to Pay. Upon default in the payment of an amount due or any installment thereof, the amount due may be collected by any means authorized by law for the enforcement of money judgments.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; Dec. 23, 2014, eff. July 1, 2015; June 29, 2018, eff. Jan. 1, 2019; Dec. 18, 2018, eff. Jan. 1, 2019.)

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Supreme Court Rules

Subject:	Rule 36 - Rules of Criminal Procedure - Criminal Contempt	Section/Rule:	36.01
Topic:	Criminal Contempt	Publication / Adopted Date:	June 13, 1979
		Revised / Effective Date:	July 1, 2013

36.01. Criminal Contempt

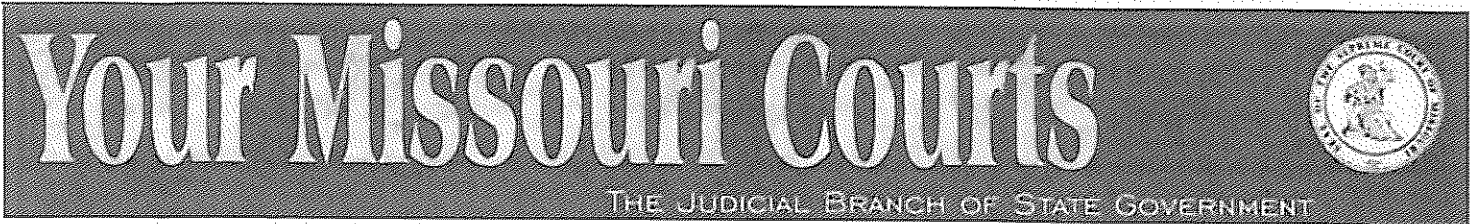
(a) A criminal contempt may be punished summarily if the judge certifies that the judge saw or heard the conduct constituting the contempt and that it was committed in the actual presence of the court. The judgment of contempt and the order of commitment shall recite the facts and shall be signed by the judge and entered of record.

(b) A criminal contempt except as provided in subdivision (a) of this Rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the prosecuting attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to be conditionally released as provided in these Rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a finding of guilt the court shall recite in the judgment of contempt and in the order of commitment the essential facts constituting the criminal contempt and fixing the punishment.

(Adopted June 13, 1979, eff. Jan. 1, 1980. Amended July 1, 2013, Amended June 20, 2013, eff. July 1, 2013.)

COMMITTEE NOTE - 1980

Compare: Prior Rule 35.01 and Fed.R.Crim.P. 42.



Clerk Handbooks

Supreme Court Rules

<p>Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus</p> <p>Topic: Sentence of Incarceration - Transcript to Corrections Official</p>	<p>Section/Rule: 37.66</p> <p>Publication / Adopted Date: May 14, 1985</p> <p>Revised / Effective Date: January 1, 2019</p>
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37.66. Sentence of Incarceration - Transcript to Corrections Official

When a defendant is sentenced to incarceration, the clerk shall deliver to the corrections official a certified copy of the judgment and sentence, specifying credit for time served, and the corrections official shall confine the defendant in a detention facility or deliver the defendant as specified in the order.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 23, 2003, eff. July 1, 2004; Dec. 18, 2018, eff. Jan. 1, 2019.)



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Clerk Handbooks

Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.67
Topic:	Judgment Set Aside - When	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.67. Judgment Set Aside - When

(a) Within ten days after the entry of judgment and prior to the filing of application for trial de novo, the court may of its own initiative or on motion of a defendant set aside judgment upon any of the following grounds:

- (1) That the facts stated in the information filed and upon which the cause was tried do not state an ordinance violation;
- (2) That the court was without jurisdiction of the ordinance violation charged;
- (3) To correct manifest injustice.

The court shall record the grounds upon which the order was entered.

(b) A motion to withdraw a plea of guilty may be made only before sentence is imposed or when imposition of sentence is suspended; but to correct manifest injustice, the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw the defendant's plea.


(c) Clerical mistakes in the record and errors in the record arising from oversight or omission may be corrected by the court any time on the motion of any party and after such notice, if any, as the court orders.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



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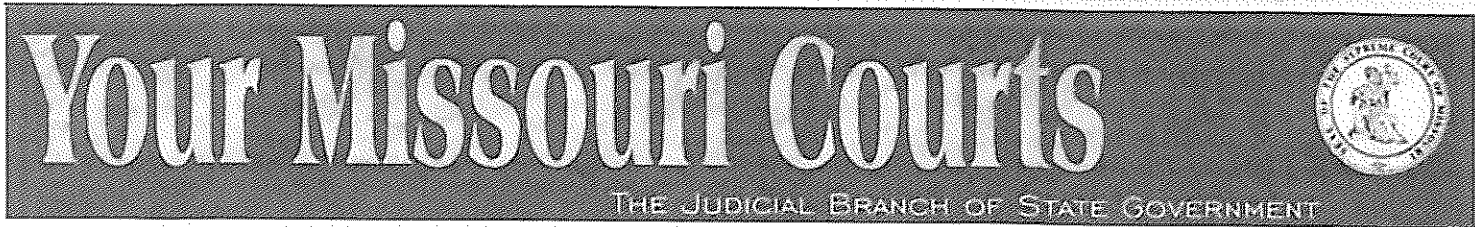
Clerk Handbooks

Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.68
Topic:	[RESERVED]	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.68. [RESERVED]

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)



Clerk Handbooks

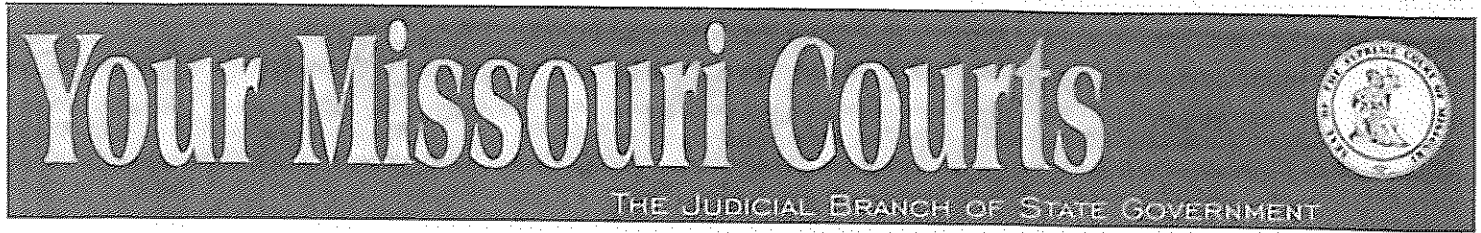
Supreme Court Rules

Subject: Rule 37 - Statutory and Ordinance Violations and Violation Bureaus Topic: Judgment - Commutation	Section/Rule: 37.69 Publication / Adopted May 14, 1985 Date: Revised / Effective Date: July 1, 2004
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37.69. Judgment - Commutation

After commitment of a defendant to serve a sentence of imprisonment, the judge may commute the term of the sentence to the time then served.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

 Close


Clerk Handbooks

Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.70
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Revocation of Probation or Parole	Revised / Effective Date:	July 1, 2004

37.70. Revocation of Probation or Parole

A judge may revoke probation or parole upon compliance with section 559.036, RSMo, but not otherwise, except that notice of the hearing may be mailed in the same manner as a summons. The defendant may be conditionally released pending final hearing.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS
Chapter 559

Effective - 01 Jan 2017, 3 histories, see footnote

559.036. Duration of probation — revocation. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree

under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "**absconder**" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of

probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.

(L. 1977 S.B. 60, A.L. 1986 S.B. 618 & 562, A.L. 1989 H.B. 408, A.L. 1995 H.B. 424, A.L. 2005 H.B. 353, A.L. 2012 H.B. 1525, A.L. 2013 H.B. 215 merged with H.B. 374 & 434, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371)

Effective 1-01-17

---- end of effective 01 Jan 2017 ----

use this link to bookmark section 559.036

- All versions

	Effective	End
559.036	1/1/2017	
559.036	8/28/2013	1/1/2017
559.036	8/28/2012	8/28/2013

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

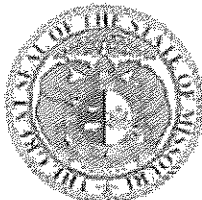


► **Other Information**

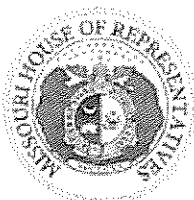
► **Other Links**



Missouri Senate

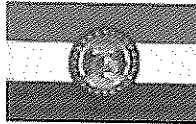


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Missouri House

Errors / suggestions -
WebMaster@LR.mo.gov

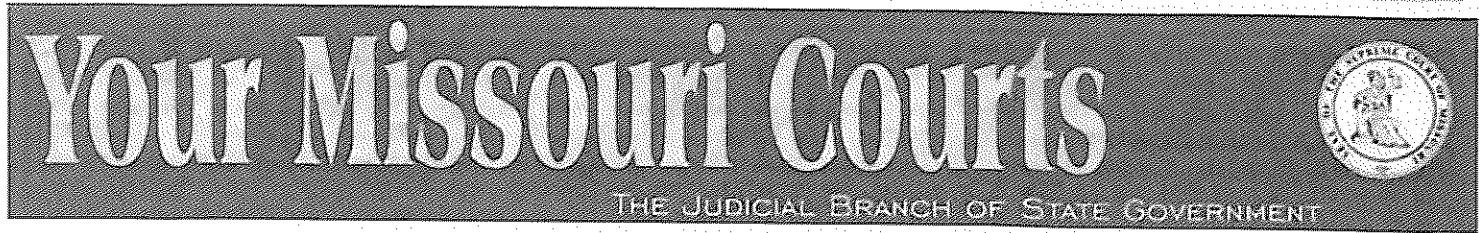


History and Fun Facts

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Clerk Handbooks

Supreme Court Rules

Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.71
		Publication / Adopted	May 14, 1985
		Date:	
Topic:	Trial De Novo - Right - Time	Revised / Effective Date:	January 1, 2019

37.71. Trial De Novo - Right - Time

(a) An application for trial de novo shall be filed as provided by law. No judge may order an extension of time for filing or perfecting an application for trial de novo.

(b) An application for trial de novo shall not be granted after the defendant satisfies any part of the penalty and costs of the judgment, unless costs were paid after imposition of sentence was originally suspended.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000; Dec. 23, 2003, eff. July 1, 2004; June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.72
		Publication / Adopted Date:	May 14, 1985
Topic:	Trial De Novo - Stay of Execution	Revised / Effective Date:	July 1, 2004

37.72. Trial De Novo - Stay of Execution

The filing of an application for trial de novo or review shall suspend the execution of the judgment of the municipal division. If the applicant for trial de novo withdraws the application, or if before commencement of trial, the court enters a finding that the applicant has abandoned the trial de novo, the case shall be remanded to the municipal division for execution of judgment.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended Dec. 18, 1998, eff. Jan. 1, 2000. Amended December 23, 2003, eff. July 1, 2004.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.73
		Publication / Adopted Date:	May 14, 1985
Topic:	Trial De Novo - Transmittal of Record	Revised / Effective Date:	January 1, 2019

37.73. Trial De Novo - Transmittal of Record

When an application for trial de novo is filed, the clerk shall transmit the duly certified record to the clerk of the division designated to hear ordinance violations de novo within 15 days of receipt. The failure of the clerk to transmit the record shall not affect the defendant's trial de novo.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended June 29, 2018, eff. Jan. 1, 2019.)

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.74
Topic:	Trial De Novo - Procedure	Publication / Adopted:	May 14, 1985
		Date:	
		Revised / Effective Date:	July 1, 2004

37.74. Trial De Novo - Procedure

All trials de novo shall proceed in the manner provided for the trial of a misdemeanor by the rules of criminal procedure.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)

 Close

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Subject:	Rule 37 - Statutory and Ordinance Violations and Violation Bureaus	Section/Rule:	37.75
Topic:	Criminal Contempt	Publication / Adopted Date:	May 14, 1985
		Revised / Effective Date:	July 1, 2004

37.75. Criminal Contempt

(a) A criminal contempt may be punished summarily if the judge certifies that the judge saw or heard the conduct constituting the contempt and that it was committed in the judge's presence. The judgment of contempt and the order of commitment shall recite the facts and shall be signed by the judge and entered of record.

(b) All other instances of contempt shall be prosecuted on notice. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a finding of guilt, the judge shall recite in the judgment of contempt and in the order of commitment the essential facts constituting the criminal contempt and fixing the punishment.

(Adopted May 14, 1985, eff. Jan. 1, 1986. Amended December 23, 2003, eff. July 1, 2004.)