

HB 1492 -- CASS COUNTY MUNICIPAL COURT

SPONSOR: Molendorp

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Local Government by a vote of 18 to 0.

This bill authorizes Cass County to prosecute and punish violations of its county ordinances pertaining to county building codes, on-site sewer treatment orders, and zoning orders in the circuit court or in a county municipal court upon adoption by the county commission of an ordinance establishing the court. The county may also prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county.

The judges for the county municipal court must be appointed by the Cass County Commission in the same manner as other county appointed officers, and the number of judges appointed and their qualifications must be established by county ordinance.

The ordinance establishing a county municipal court must:

- (1) Establish the number of county municipal court divisions and the court's term and provide for regular sessions of court in the evening after 6:00 p.m. and at locations outside the county seat;
- (2) Make provisions for appropriate circumstances whereby a defendant may enter a not guilty plea and obtain a trial date by telephone or written communication without a personal appearance or plead guilty and deliver by mail or electronic transfer or other approved method the specified fine and court costs within a specific period of time; and
- (3) Provide for the recording of court proceedings.

The county is authorized by ordinance to establish court costs at an amount not to exceed that which is provided by municipalities for municipal violations before municipal courts. A person charged with the violation of a county ordinance is, upon request, entitled to a trial by jury before a county municipal court judge if one is established. An associate circuit judge must commence hearing and determining these violations six months after the county notifies the presiding judge of the circuit of its election to have the associate circuit judge hear and determine these county violations. The hearings may commence sooner with the consent of the presiding judge.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill is needed because there isn't another way to prosecute zoning and other county ordinance violations except through the already overloaded circuit court.

Testifying for the bill were Representative Molendorp; and Tracey Lambert, Cass County Planning and Zoning Commission.

OPPONENTS: There was no opposition voiced to the committee.