

HCS HB 427 -- MUNICIPAL COURTS

SPONSOR: Helms

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 14 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 0.

This bill modifies various provisions regarding municipal courts and fines collected in minor traffic and municipal ordinance violation cases.

The bill repeals provisions stating that failure to appear procedures in moving traffic violation cases, which include driving license suspension, shall not apply to minor traffic violations.

The terms "annual general operating revenue," "minor traffic violation," and "municipal ordinance violation," as applied in provisions regarding the assessment of fines in minor traffic violations and municipal ordinance violation cases, are modified.

This bill specifies that if a defendant charged with a minor traffic violation or municipal ordinance violation fails to appear and the court finds there is not good cause for failing to appear, the current limitations regarding fines and confinement shall not apply. The court may issue a writ of habeas corpus if a person fails to appear at a scheduled court appearance but only if personal notification has been given in open court or by personal summons.

Currently, a county or municipality that has a municipal court must submit a financial report to the auditor. This bill provides that a county or municipality meets compliance with this requirement by filing a statement confirming that 20% or less of its general revenue comes from fines, bond forfeitures, and court costs in municipal court cases. Also, a court that serves more than one municipality will be treated as a single municipality.

This bill modifies the procedures to be adopted and certified by each municipal court by repealing the procedure of prohibiting the detention of defendants in order to coerce the payment of fines and costs unless such defendant is found to be in contempt after compliance with due process and the procedure stating that the community service alternatives for which an entity can charge up to \$25 for a background check.

This bill is similar to SB 553 (2018).

PROPOSERS: Supporters say that there were unintended consequences

from Senate Bill 5 from 2015, and there is now a backlog in courts. This will help avoid a repeat of violations that happened in the past. There are many fees that have nothing to do with the operation of the court so some of the fines were reduced. The bill allows courts to suspend driver's licenses for failure to appear. There needs to be effective enforcement mechanisms.

Testifying for the bill were Representative Helms; and Collin Quigley, City of Springfield.

OPPONENTS: Those who oppose the bill say that they oppose the bill as it's written, mostly regarding pretrial detention.

Testifying against the bill was American Civil Liberties Union Of Missouri.