



MISSOURI COURT SYSTEM

- Municipal Divisions
 - Limited jurisdiction court
 - Late 70's brought into the Circuit Court
 - Approximately 600 Municipal Divisions
 - Approximately 60% of all cases heard

```

graph TD
    SC[Supreme Court] --> CA[Court of Appeals]
    CA --> CC[Circuit Court]
    CC --> CD[Circuit Division]
    CC --> AD[Associate Division]
    CC --> MD[Municipal Division]
    CC --> FD[Family Division]
    CC --> JD[Juv. Division]
    CC --> PD[Probate Division]
  
```

RULES THAT GOVERN MUNICIPAL DIVISIONS

- Article V, Missouri Constitution
- Section 479 RSMo
- Supreme Court Rules (SCR) 37
 - SCR 37: Procedures
- Court Operating Rules (COR) 2, 4, & 8
 - COR 2: Accessibility to Files
 - COR 4: Uniform Record Keeping
 - COR 8: Record Retention
- Local Court Rules

SEPARATION OF DUTIES

Executive

- Prosecuting Attorney
- Mayor
- City Clerk/ Manager

Judicial

- Clerks
- Judges
- Bailiffs/Court Security

Legislative

- Municipality Government Structure

- Law Enforcement
 - Issuing citations
 - MULES/REJIS entries
 - Warrants
 - Fingerprinting
 - 40.503 RSMo
 - Provides information to the prosecutor
 - Bonds
 - Acceptance and disbursements for all municipal divisions
 - Online option
 - Forms (Criminal vs Municipal)
 - Law Enforcement in the courtroom

EXECUTIVE BRANCH




- Prosecuting Attorney
 - Files charges against the defendant
 - Issues recommendations
 - Amends charges
 - Offense Cycle Number (OCN) Cards
 - 43.503 & 43.506 RSMo
 - Not included in the court budget

EXECUTIVE BRANCH




JUDICIAL BRANCH



- Court Clerk
 - Carries out the administrative duties of the court
 - Maintains court records
 - Provides service to the public
 - The face of the court
- Court Administrator
 - Prepares the court budget
 - Reports to various entities as required by rule and statute
 - Oversees the day to day operations of the division

JUDICIAL BRANCH



- Municipal Judge
 - Rule on cases heard in the municipal division
 - Administrative authority over the municipal division
 - Direct supervision of court staff, including court clerks and bailiffs
 - Prepares court budget
- Presiding Judge
 - General administrative authority over all divisions

RECENT LEGISLATION

- 2015
 - Senate Bill 5 (SB 5)
 - Minor Traffic Violation (MTV) defined: Section 479.350 RSMo
 - Fines and Court Costs on a MTV may not exceed \$225.00
 - FACT (Failure to Appear to Court on a Traffic violation) suspensions are no longer allowed on Minor Traffic Violations
 - Court Costs shall not be assessed against defendants found to be indigent.
 - Excess Revenue (Statewide 20%)

RECENT LEGISLATION

➤2016

–Senate Bill 572 (SB 572)

- Defines Municipal Ordinance Violations as housing, zoning, and nuisance violations
- Limits the Fines and Court Costs to:
 - \$200.00 for the 1st violation within 12 months
 - \$250.00 for the 2nd violation within 12 months
 - \$350.00 for the 3rd violation within 12 months
 - \$450.00 for the 4th and subsequent violation within 12 months
- Limits a municipal judge to 5 municipalities

RECENT LEGISLATION

➤2016 (Continued)

–SCR 37.04

- Appendix A: Minimum Operating Standards (MOS)
- Appendix B: Code of Conduct for Municipal Division Personnel
- Presiding Judge Protocols

RECENT LEGISLATION

➤2017

–SCR 37.04

- Presiding Judge Protocols Revised
- SB 128 (Pending Signature of the Governor)
- 5 municipality rule changed
 - Sentence review upon execution of a show cause warrant on a MTV
 - Date and time of court date on an MTV charge SHALL be presented to the defendant when the citation or summons is issued or it shall be void

MINIMUM OPERATING STANDARDS

- A duty judge must be available at all times.
- Make aware the circuit clerk of the division's existence.
- Fines AND court costs assessed may not exceed statutory limits.
- Court costs may only be assessed when allowed by state statute.
- Dismissal upon payment of costs is NOT allowed.
- Courtrooms are open to the public and are large enough to accommodate the public, parties, and attorneys.
- A clerk must be available at least 30 hours a week.
 - 15 hours in person, 15 hours via live communication

MINIMUM OPERATING STANDARDS

- An electronic payment option must be made available.
- Free online case information access for pending cases, outstanding warrants, and scheduled municipal dockets must be made available.
- Exterior and interior signage, design, and functionality convey to the public that the court is a separate and independent branch of government.
- Municipal divisions are not revenue generators.
- Functional clerk office for records preservation, bookkeeping, and money handling.
- Bond coverage for all personnel with access to division monies.

MINIMUM OPERATING STANDARDS MOS #7- SEPARATION OF DUTIES

- Clerks of the 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 solely under the municipal judge.
- 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 resulting from the performance of judicial duties in a manner that upholds the independence of the judiciary.

SUGGESTED ORDERS TO OBTAIN FROM THE MUNICIPAL JUDGE

- A written policy for reporting intoxicating-related offenses to the MSHP Central Repository, OSCA, and Presiding Judge
- Procedure for communicating the "24 hour rule" to law enforcement
- Procedure for defendants to not be held longer than 48 hours on minor traffic and 72 hours on other violations without being heard by a Judge
- Procedure for warrant recall
- Procedure for the use of a bond schedule

COMMUNICATION WITH THE MUNICIPAL DIVISION

- Periodic meetings including the judge, prosecutor, and court administrator
- Clear expectations
 - Separation of Duties
 - Needs of the court
- Reporting to the municipality
 - Section 479.080 RSMo, Rule 4.28 & 4.29

COMMUNICATION WITH THE MUNICIPAL DIVISION

- Education/Training
 - Administrative Order
- Minimum Operating Standards
 - Compliance & Expectations
 - Supreme Court Municipal Division Monitor
 - Presiding Judge
- The court is not a revenue generator

<ol style="list-style-type: none">1. Avoiding Impropriety and the Appearance of Impropriety in All Activities2. Performing the Duties of Position Impartially and Diligently3. Conducting Outside Activities to Minimize the Risk of Conflict with Official Position4. Refraining from Inappropriate Political Activity	<p>CODE OF CONDUCT FOR MUNICIPAL DIVISION PERSONNEL</p>	<p>This code of conduct applies to all full-time, part-time, and temporary court system employees for municipal divisions.</p>
--	--	--

<p>CONTACT INFORMATION</p>
<p>COURTNEY WHITESIDE</p>
<p>COURTNEY.WHITESIDE@COURTS.MO.GOV</p>
<p>314-615-7505</p>

Helpful Hints: Reporting Requirements

What Gets Reported?	Who Gets These Reports?	What Gets Reported to These Agencies	When Do These Get Reported?	Why is it Important?
<p>Criminal History - 43.506, 577.010 -577.023 RSMo Municipal Clerk Manual: 1.4-Reporting Requirements 3.3-Criminal History Disposition Reporting</p>	<p>Criminal Justice Information Services (CJIS) Division Missouri State Highway Patrol (MSHP) PO Box 9500 Jefferson City, MO 65102 *Do NOT send criminal history reporting to MO Department of Revenue</p>	<p>Criminal History to the MSHP - Offense Cycle Number or OCN (Finger Print Card) including all filings; amended filings; all dispositions (including not guilty, dismissed and SIS) and probation revocations.</p>	<p>Criminal History OCNs are to be submitted without undue delay or within 30 days of filing or disposition. (Automatically reported with JIS courts)</p>	<p>OCNs detail people's criminal histories. These reports are public records used to check the backgrounds of people seeking such things as employment, housing, travel visas and security clearances. Law enforcement officers use criminal reports when conducting investigations. The judicial system uses them when considering criminal prosecutions. Criminal history can also identify sex offenders and repeat DWI offenders.</p>
<p>Records of Conviction - 302.225, 577.051 RSMo Municipal Clerk Manual: 1.4 - Reporting Requirements 3.4 - Citation Disposition Reporting</p>	<p>MO Department of Revenue (DOR) PO Box 200 Jefferson City, MO 65102-0200 *Do NOT send traffic reporting to MO State Highway Patrol</p>	<p>Records of Conviction (ROC) to Department of Revenue (DOR) - All reportable offenses including guilty plea, finding of guilt and SIS probations by filling out the back of the traffic tickets or sending in an abstract of the court records.</p>	<p>ROCs are due within 7 days of disposition (Automatically reported with JIS courts.)</p>	<p>ROCs are used to assess points to drivers licenses and to disqualify CDL holders (even when offense was in their private vehicle).</p>
<p>Municipal Division Summary Report - 479.080 RSMo, COR 4.28 and COR 4.29 Municipal Clerk Manual 1.4 - Reporting Requirements</p>	<p>Office of State Courts Administrator, Statistics 2112 Industrial Drive, PO Box 104480 Jefferson City, MO 65110 Fax: 573-536-0338 E-mail: MunicipalDivision.Reports@courts.mo.gov</p>	<p>Municipal Division Summary Report to Office of State Courts Administrator (OSCA) - Monthly caseload information; i.e. cases filed, cases disposed, cases pending; warrant information, net collections.</p>	<p>Municipal Division Summary Reports are due monthly to OSCA by the 15th day of the following month. (Automatically reported with JIS courts)</p>	<p>Data from the municipal division summary reports are used to document the work of the municipal divisions, published in the annual statistical report supplement for public knowledge and use, and used to complete ad-hoc requests (from elected representatives, governmental and non-governmental agencies, etc.) on the status and functioning of Missouri's courts.</p>
<p>Monthly Judgments (filings and dispositions) to the City - 479.080.3 RSMo and COR 4.29 Municipal Clerk Manual: 1.4 Reporting Requirements</p>	<p>Clerk of the municipality who shall then forward to the governing body of the municipality (or the City Council/Board of Trustees).</p>	<p>On or before the 15th of each month, the Municipal Division shall submit to the municipality a copy of the monthly case load summary report for the preceding month required by COR 4.28.</p>	<p>Municipal Division Summary Reports are due monthly to OSCA by the 15th day of the following month.</p>	<p>Data from the municipal division summary reports are used to document the work of the municipal divisions, published in the annual statistical report supplement for public knowledge and use, and used to complete ad-hoc requests (from elected representatives, governmental and non-governmental agencies, etc.) on the status and functioning of Missouri's courts.</p>

<p>Bi-Annual DWIs - 479.172 RSMo Municipal Clerk Manual: 1.4 Reporting Requirements</p>	<p>Presiding Judge of the Circuit Court en Banc</p>	<p>DWIs that were filed and/or disposed between January 1st to June 30th and July 1st to December 31st</p>	<p>Within 60 days of the reporting period on the Monthly Summary Report form.</p>	<p>Bi-Annual reporting is important because it helps keep repeat offenders off the road and helps impose more strict punishment to those repeat offenders.</p>
<p>What Gets Reported?</p>	<p>Who Gets These Reports?</p>	<p>What Gets Reported to These Agencies</p>	<p>When Do These Get Reported?</p>	<p>Why is it Important?</p>
<p>Reporting to State Auditor 479.350 and 479.359 RSMo and 15 CSR 40-3.170</p>	<p>Missouri State Auditor's Office PO Box 869 Jefferson City, MO 65102</p>	<p>Addendum (Form A 15-1) is filed by the municipality (not court) includes calculation of percentage of annual general operating revenue from fines, bond forfeitures and court costs for minor traffic and certain ordinance violations, included amended charges. Amounts in excess of 20% of total revenue for city is to be remitted to Department of Revenue (DOR).</p>	<p>Report due within 6 months after the end of the municipality's fiscal year.</p>	<p>Addendum (Form A 15-1) provides information on the total amount collected during the city's fiscal year and percentage of annual general operating revenue from fines, bond forfeitures and court costs for minor traffic violations and some ordinance violations, identified by excess revenue indicators.</p>
<p>Reporting to State Auditor 479.360 RSMo and 15 CSR 40-3.180</p>	<p>Missouri State Auditor's Office PO Box 869 Jefferson City, MO 65102</p>	<p>Certification of Substantial Compliance (Form MCC 15-1) is signed by the municipal judge and submitted with the addendum and county financial report required under 105.145 RSMo</p>	<p>Report due within 6 months after the end of the municipality's fiscal year.</p>	<p>Certification of Substantial Compliance (Form MCC 17-1) certifies the municipal court's substantial compliance with section 479.360 RSMo.</p>
<p>Bi-Annual Report to Presiding Judge on Minimum Operating Standards for Missouri Courts: Municipal Divisions SCR 37.04</p>	<p>Presiding Judge of the Circuit Court</p>	<p>Form MU140 - Certification of compliance with minimum operating standards with Bi-Annual DWI Report, Certification of Substantial Compliance and CLE Compliance Forms.</p>	<p>Due by January 1 and July 1 of each year.</p>	<p>Report is required under September 20, 2016 revisions to SCR 37, beginning 7/1/2017.</p>