

*UPDATE ON MUNICIPAL
DIVISIONS OF THE
CIRCUIT COURT*

SEPTEMBER 10, 2019

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JOEL BRETT, MUNICIPAL JUDGE, COUNTY
OF ST. CHARLES ORDINANCE COURT

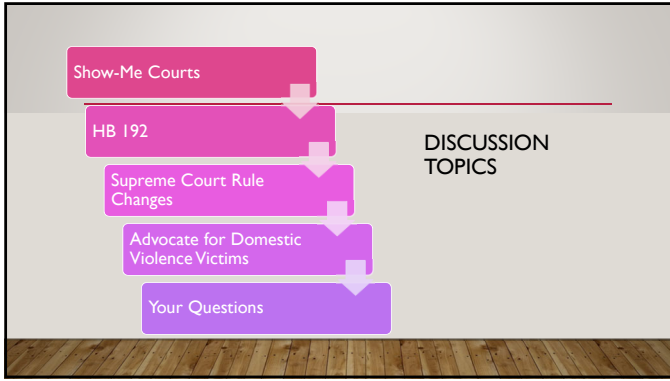
TIMOTHY ENGELMEYER, MUNICIPAL
JUDGE, CITY OF CREVE COEUR,
PROSECUTING ATTORNEY, CITIES OF
CHESTERFIELD, FENTON AND VALLEY
PARK

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KEVIN R. KELLY, MUNICIPAL JUDGE, CITIES
OF COOL VALLEY, HAZELWOOD AND
MARYLAND HEIGHTS

HEATHER BERDING
HAZELWOOD POLICE DEPARTMENT
CRIME VICTIM'S UNIT COORDINATOR

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- SMC WILL REPLACE JIS
- SMC WILL REPLACE ALL OTHER CASE MANAGEMENT SYSTEMS (REJIS, ITI, TYLER TECHNOLOGIES)
- SMC WILL ENABLE THE PUBLIC TO VIEW CASE INFORMATION ON CASENET

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COURTS NOT USING JIS NOW WILL BE REQUIRED TO MAINTAIN PREVIOUS CASE MANAGEMENT SYSTEM

ACCESS TO CASES ENTERED PRIOR TO USING SMC WILL NEED TO BE MAINTAINED

PRIOR CASES CAN BE MANUALLY IMPORTED TO SMC
MANUAL IMPORTING WILL REQUIRE SUBSTANTIAL TIME COMMITMENT FROM COURT STAFF

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WHAT THE CITY MUST DO

- City must pass an ordinance to assess a \$7.00 fee for each case to be paid to the Court Automation Fund.
- Courts currently using JIS are already assessing this fee.
- City must sign an agreement with the State Court Administrators Office (OSCA) to agree to implement Show-Me Courts
- May need additional court personnel

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PROSECUTING ATTORNEY WILL ELECTRONICALLY FILE CASES WITH THE COURT THROUGH ONE OF THE FOLLOWING:
1. PROSECUTING ATTORNEY PORTAL
2. OSCA SYSTEM
3. PAMS (REJIS) OR KARPEL

ATTORNEYS AND DEFENDANTS WILL BE ABLE TO E-FILE DOCUMENTS (ENTRY OF APPEARANCE, MOTIONS, OTHER DOCUMENTS.

THIS IS CURRENTLY A ST. LOUIS REQUIREMENT

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EVENTUALLY MUNICIPAL DIVISIONS WILL BE ABLE TO GO PAPERLESS

ACCESS TO COURT DOCKETS AND CASE INFORMATION WILL BE AVAILABLE ON-LINE

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- CURRENT COURT AUTOMATION FEE (COURT COSTS) FOR THOSE COURTS USING SMC IS \$7.00 PER CASE
- SUPREME COURT AND OSCA HAVE PROPOSED THE COURT AUTOMATION FEE TO INCREASE TO \$23.00 PER CASE

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USE OF SMC IS CURRENTLY MANDATED FOR ST. LOUIS COUNTY MUNICIPAL DIVISIONS

ST. CHARLES COUNTY MUNICIPAL COURT HAS BEEN USING SMC SINCE 2016 AS A PILOT PROGRAM

SEVERAL SMALL ST. LOUIS COUNTY MUNICIPAL DIVISIONS HAVE BEEN USING SMC

UPGRADES AND IMPROVEMENTS ARE ROLLED OUT AS NEW FEATURES ARE DEVELOPED. USUALLY MONTHLY DEPLOYMENT OF SYSTEM UPGRADES.

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HB192

- Section 470.020.9 No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for the purposes of this subsection.**

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HB192

- Section 479.353.2 If an individual has been held in custody on a notice to show cause or an arrest warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence if the court finds it reasonable given the circumstances of the case.

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HB192

- Section 543.270 Prohibits the court from imposing as a condition of probation costs incurred by the city while the defendant was detained or imprisoned.
- Further, failure to pay the costs of detention or imprisonment shall not be the sole basis for issuance of a warrant.

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HB 192

- Section 558.006 Removes the ability of the court to issue a Show Cause Order to defendant's who fail to pay their fines and court costs; but see S. Ct. Rule 37.65.
- Defendant's are entitled to be allowed to pay their fines on an installment basis.
- "...the fine or installment **shall** be collected by any means authorized for the **collection** of money judgments, **other than a lien against real estate, or may be waived at the discretion of the sentencing judge.**"

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SUPREME COURT RULE 37.65

- This rule allows the court, upon the failure of the defendant to pay, to issue a Show Cause Order for criminal contempt
- At the Show Cause hearing, the judge shall inquire of the defendant as to their ability to pay and to consider alternatives, such as community service.
- If the defendant fails to appear at the Show Cause hearing, "...the court may issue a warrant to secure the defendant's appearance..."

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HB192 OR SUPREME COURT RULE 37.65

- There appears to be a conflict between the statute and the Supreme Court Rule
- Some judges believe a Show Cause Order can still be issued, and if the defendant fails to appear, a warrant may be issued.
- Others believe the statute trumps the Supreme Court Rule and the court cannot issue a Show Cause Order.
- Cases in SMC where payment has not been made shall automatically go to collection through the State.

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MORE SUPREME COURT RULE CHANGES

RULES 37.49 – LOCAL VIOLATION BUREAU
 RULES 33 RELEASE PENDING FURTHER PROCEEDINGS

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SUPREME COURT RULE 37.49

- **Local Violations Bureau - Violations Clerk - Schedule of Fines - Payment**
- (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.

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SUPREME COURT RULE 37.49

- ✓ Major Change
- ⚖️ If the court adopts a Violation Bureau Fine Schedule, the court must adopt the complete state schedule.
- ₿ This change implemented to provide a consistent fine schedule among all municipal divisions.

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SUPREME COURT RULE 37.43

- Upon the filing of a charge, defendant is entitled to be summoned to court.
- A warrant can only be issued if the following determined by the court:
 - (1) The defendant will not appear upon the summons; or
 - (2) The defendant poses a danger to a crime victim, the community, or any other person.
- Burden on Prosecuting Attorney to establish one these two elements.

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SUPREME COURT RULE 33

- Applicable to Felonies and Misdemeanors
- Clear statement from Supreme Court to discourage the use of cash bonds to secure release of defendants
 - (a) Any defendant charged with a bailable offense shall be entitled to be released from custody pending trial or other stage of the criminal proceedings.

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SUPREME COURT RULE 33

(c) The court shall release the defendant on the defendant's own recognizance subject only to the conditions under subsection (b)

If court determines defendant's promise to appear is not sufficient, the court can impose one or more of 16 conditions of release.

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Four of the 16 conditions reference cash bonds, either by use of a non-secured bond, 10 per cent bond, cash bond or property bond.

Under Section 479.360 defendants are entitled to have the conditions of bond reviewed no later than 72 hours following their arrest.

SUPREME COURT RULE 33

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YOUR QUESTIONS?



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