

SB 5 ANALYSIS

This bill basically and finally sets up true guidelines to the Macks Creek Law.

Within 3 years Municipalities must have in place

Balanced budget

Annual audit

Cash mgmt./accounting system that accounts for all revenue and expenses

Adequate levels of insurance to minimize

- General liability

- Emergency medical personnel and paramedics if applicable

- Police professional liability coverage

- Workers compensation

- Bonds for local officials

Access to a complete set of ordinances

Written policies on use of emergency vehicles including police pursuit

Written policies on use by force in police dept

Written general orders for a municipal police dept if you have one

Written policies for collecting all data and reporting all crime and police stop data and forward to attorney generals office

Construction code reviews by staff or public/private agency

Info published annually on city website or counties if you don't have one indicating how standards are met

Have 6 yrs to have an Accredited Police Dept or Contract with one that is

Also any resident with beliefs or knowledge can make an affidavit if they think the city has failed to meet the minimum standards and if the attorney general believes its justified, the muni has 60 days to rectify-failure to rectify then the attorney general may file suit in court of county. If court finds muni deficient they shall order remedies;

Appointment of an administrative authority @90 days if not met;

Court can order disincorporation of muni or have disincorporation placed on the ballot

Also disincorporation can be placed on the ballot if 20% of registered voters or 40% of voters in the last election-whichever is lesser- submit a petition to court while the matter is pending. If voters vote to disincorporate the court will determine the time schedule

Rules of person

if you or I get a ticket and fail to appear in court or pay the fine the court must snail mail to last known address within 10 days' notice of such and if it has not been resolved within 30 days an order of suspended license will occur till completed. ***does not apply to minor traffic violations***

Rules to Report Finances were defined

revenue included- fines, court costs, bond forfeitures, traffic and amended traffic violations

If the revenue % is exceeded the dollars go to the state to be distributed annually to the county of the municipality for the schools in the same manner currently set up for fines collected for breach of Penal Laws.

The director of the dept of revenue must set up the procedures

If a muni disputes that they made too much they may submit to an audit

If they fail to make a timely report- Immediate loss of jurisdiction of the Municipal Court till requirements are met

Rules for Courts

By 9/1/15, the muni judges have to get their information to the supreme ct.

After which if a new or abolishing court they have 90 days to do so.

The Supreme Court is to set up rules for conflict of interest for the muni cts.

Defining General Revenue, Court Costs and Minor Traffic Violations

General Revenue is any revenue used to pay the bills minus;

Designated sales or use taxes

Restricted user fees

Grant funds

Funds for technological assistance in collecting, storing, and dissemination of criminal ID activities

Or other designated specific purposes

Court costs – costs, fees or surcharges retained by the muni ex excludes fees dispersed to state or other entities like charities etc

Minor Traffic Violation – is a muni or county ordinance violation minus;

Accident or injury

Commercial vehicle

4 points or less

School/construction zones

Excludes also 20+mph over limit

The following applies to Minor Traffic Violation enforcement:

\$300 fine limit

No confinement unless alcohol or drugs, endangering health or welfare of others or eluding or giving false information to the police

No confinement for failure to pay unless nonpayment violates probation

No court costs if defendant is determined indigent (standards to be set up by Supreme Court)

No court costs if case is dismissed

If a person fails to pay anything over \$25 is sent to the department of revenue for retrieval through the income tax refund. (the DOR is to set this up)

BRINGING US TO THE MAIN ATTRACTION IN THE BILL

For the General Operating Revenue from fines, fees, bond forfeitures and court costs for Minor Traffic Violations including those amended from minor traffic violations.

30% remains in effect through the end of 2015

Beginning Jan 1, 2016 everyone goes to 20% except any charter form of government with more than 950,000 inhabitants will be required to meet 12.5% which literally means that any village, city, town within the boundaries of st louis county must meet 12.5%. I believe this does not include st louis county unincorporated, so just the municipal governing bodies within it. (am seeking clarification)

Must report separately

Annual general operating revenue

Revenue from fines, bond forfeitures, court costs for minor traffic violations

% of general operating revenue

Must be certified, signed and notarized

By Dec 31, 2015 the state auditor must set forth procedures w/o unduly burdensome calculations

+ Muni Court Procedures

To be heard by a judge within 48 hrs on minor and 72 hrs on others or released

Hold no more than 24 hours w/o warrant

Not held to coerce payment

Indigent defendant can present evidence

Only fines/costs ok'ed by law

No failure to appear costs for minor violations

Must have an open court to public and large enough to accommodate public parties and attorneys

Court alternative payment plans and community service

A system in place for electronic payment or by mail for minor violations

By 12/31/15 the state auditor must establish a program for addendums

Failure to remit =

Loss of st louis county sales tax

Election of disincorporation (procedures set) 60% majority needed Bill if signed takes place on 8/28/15.

Effects of the bill likely to lead to reduced police services and/or sharing of services between Municipalities

overall it's a good piece of legislation

however has created UNEQUAL JUSTICE IN THE EYES OF THE LAW by singling out St Louis County Municipalities as the only Munis, citys, countys, towns, villages in the entire State of Missouri that are only allowed 12.5% in revenue generation from Minor Tickets.