

CHAPTER II - ADMINISTRATION OF THE MUNICIPAL DIVISION

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CHAPTER II ADMINISTRATION OF THE MUNICIPAL DIVISION

2.1 INTRODUCTION

This chapter discusses the administrative responsibilities of judicial personnel in the municipal division courts, recommended procedures for case record keeping, and recommended minimum standards for municipal division facilities.

GENERAL ADMINISTRATION

2.2 PRESIDING JUDGE

Article V, Section 15(3) of the Missouri Constitution, adopted by the voters in 1976, creates the position of presiding judge for each judicial circuit. The presiding judge has general administrative authority over all divisions of the circuit court within the circuit, including the municipal divisions.

If the municipal judge has any questions concerning the administration of the court, the presiding judge may be contacted for assistance.

2.3 MUNICIPAL JUDGE

The municipal judge is the chief judicial officer of the municipal division and, as such, assumes the primary responsibility for the administration of the court. General administrative duties of the municipal judge include the following:

- Preparing the municipal division budget
- Supervising the court staff
- Ensuring that complete and accurate case records and accounting records are being maintained

In most municipalities, at least one clerk (or court administrator) is appointed to perform the routine clerical functions required of the court, but it is the municipal judge's responsibility to determine record keeping policy and procedure and to see that such policies and procedures are carried out correctly and efficiently. If the presiding judge of the circuit has not issued a Municipal Court Operating Order, it is recommended that the municipal judge do so to give the clerk (court administrator) guidance as to his/her administrative responsibilities. (See the template for the Municipal Court Operating Order following this chapter.)

2.3.1 MARRIAGES

If the judge performs marriages, the municipal division administrator shall communicate with parties desiring to have a marriage solemnized by the judge. The court administrator shall require that the parties provide a marriage license and a Certificate of Marriage blank form to the court at least 24 hours before a scheduled wedding to ensure adequate review of such license.

The court administrator shall assist the judge in completing the license and the Certificate of Marriage. The court administrator shall retain a full record of the solemnization performed by

making a copy of the completed marriage license and a copy of the executed Certificate of Marriage, and keeping both documents in a permanent binder or folder. The court administrator shall cause the executed marriage license return to be sent to the appropriate licensing official as soon as possible, but not later than 10 days after the marriage is performed. [See section 451.110 - 451.130, RSMo for further details.]

2.4 COURT CLERK/COURT ADMINISTRATOR

[Section 479.060\(1\), RSMo](#) provides that "where municipal violations are to be tried before a municipal judge or judges, the governing body of the municipality shall provide by ordinance for a clerk or clerks..." The position of chief clerk may also be titled court administrator. These two terms will be used interchangeably in this document. The primary duty of the clerk/court administrator is to carry out the day-to-day ministerial duties of the court. In this capacity, the clerk/court administrator files cases, calendars cases, maintains all case records, and accounts for all money due the court as well as all money paid to the court.

In small communities, many court clerks by necessity assume additional responsibilities for the city such as those of police dispatcher, police clerk, prosecutor's clerk, or city clerk. In these situations, the city mayor, chief of police, or another non-court city employee often exercises administrative authority over the clerk in all job capacities, including record-keeping responsibilities for the court. This practice is inappropriate due to the constitutional provision of separation of powers. The judge, not the mayor or the chief of police, is primarily responsible for the records of the court and as such, should direct the record-keeping operations of the court. The clerk/court administrator reports directly to the judge concerning the record-keeping of the court. The duties of the court clerk/court administrator are separate and independent from any other duties performed for the city. Records of the court, both public and closed, should not be made available to nonjudicial personnel (such as the prosecutor, the city attorney, police officers, the mayor, city council members, or the public) except under the supervision of the court clerk/court administrator or the judge as authorized by statute.

2.5 MUNICIPAL DIVISION BUDGET

Each municipal division should have its own operating budget that is set apart from other city departments' budgets. The municipal judge is responsible for preparing the budget and supervising expenditures.

If the municipality and the municipal judge are unable to resolve a budget dispute, [Supreme Court Operating Rule 13](#) gives either party the authorization to file a request for a settlement conference with the presiding judge of the circuit. The municipal division has the burden of proof that the budget request is reasonable. The presiding judge will issue a written recommendation following the conference.

The municipality may seek review of any recommendation of the presiding judge regarding the municipal division's budget request by filing a petition for review with the Judicial Finance Commission acting as the Municipal Finance Commission. The municipal judge has the burden of proof that the budget request is reasonable. The commission will issue a written recommendation following review of the issues.

2.5.1 FIDELITY BONDS

The court administrator shall request the city maintain fidelity bonds covering the clerk/court administrator and other personnel who handle the court's receipts. The court administrator should keep a copy of the "dec.sheets" of any such bonds obtained by the city to keep in the court files.

2.6 ESTABLISHMENT OF A VIOLATIONS BUREAU

[Supreme Court Operating Rule 37.49](#) states that any judge having original jurisdiction of any animal control violation, housing violation, or traffic violation may establish by court order a violations bureau. The establishment of a violations bureau allows defendants to dispose of their violations without a court appearance; i.e., they may waive a trial, enter a plea of guilty and pay the fine and costs through the mail or at the clerk's office and never have to appear before a judge. The violation bureau shall be prominently displayed at the payment window so that defendants wishing to pay tickets out of court may view the schedule.

RECORD-KEEPING PROCEDURES

2.7 IN GENERAL

[Section 479.070, RSMo](#) provides that the municipal judge:

Shall keep a docket in which he shall enter every case commenced before him and the proceeding therein and he shall keep such other records as required. Such docket and records shall be records of the circuit court. The municipal judge shall deliver said docket and records and all books and papers pertaining to his office to his successor in office or to the presiding judge of the circuit.

The following sections cover recommended record keeping procedures for municipal divisions. These recommendations are generally consistent with record-keeping practices recommended for the circuit and associate circuit divisions.

2.8 COURT DOCKET

The court docket lists all cases set for trial on a particular date. The docket is typically prepared a day or two before court and includes information such as the court case number and defendant's name. It may also include the date of the offense, the charge, the name of the attorney representing the defendant, if any, and name(s) of the arresting officer(s). In many courts, the judge and the clerk use a copy of the docket as a worksheet to record the activity that occurs in each case during the court hearing. This practice assists the court with case record keeping after the hearings on the docket are complete.

2.9 CASE NUMBERS

[Supreme Court Operating Rule 4.04](#) sets forth standard case numbering for municipal division cases. The following is an excerpt from Court Operating Rule 4:

2.9.1 Courts Using an Automated Case Management System Approved for Statewide Use by the State Judicial Records Committee

The uniform citation number, as assigned by the Missouri State Highway Patrol, shall serve as the file number for less serious traffic cases and for watercraft and conservation cases initiated by uniform citation.

For cases filed by a document other than a uniform citation:

Numbers assigned shall be in the following format for all except cases initiated by uniform citation:

- (1) 2-digit year (numeric)
- (2) 2-digit location code (alpha, alphanumeric, or numeric) – circuit number can be used in a single county, consolidated court
- (3) Hyphen
- (4) 2-digit case category (alpha)
- (5) 5-digit sequential number, starting with “00001” for the first case filed within case category and location (numbering starts over at the beginning of each year)
- (6) Hyphen
- (7) 2-digit sub-case code

The following comprise the minimum list of 2-digit case categories used in the municipal divisions:

<u>Case Category</u>	<u>Code</u>
Municipal Ordinance	MU
County Ordinance	CY
Miscellaneous	MC
Treatment Court	TC

2.9.2 Courts Not Using an Automated Case Management System Approved by the State Judicial Records Committee

A uniform case numbering system, comprised of the following, shall be used:

- (1) 2-digit alphabetic prefix for the case category – MU;
- (2) 2-digit physical filing location number as assigned by the Office of State Courts Administrator;
- (3) 2-digit numeric code representing the year that the case was filed, e.g. “02” for cases filed in 2002;
- (4) Sequential case number:
 - a) Each case shall be numbered consecutively within each filing location and case category, except traffic cases shall be numbered separately from other criminal cases.
 - b) The first case filed in each category at the beginning of the calendar year shall be assigned the number “1”.

- (5) Alphabetic suffix for the specific case type within a case category:
- a) Within the municipal category, the following suffixes shall be used:

<u>Case Type</u>	<u>Suffix</u>
Traffic	MT
Other Ordinance	MO

- b) The suffix for cases that are referred to a treatment court, e.g., drug court or mental health court, shall be appended with a “TC”.

Courts may use the uniform citation number, as assigned by the Missouri State Highway Patrol, as the file number for cases initiated by uniform citation.

2.10 CASE INDEX

A case index should be maintained for each case filed (whether a traffic or non-traffic violation). If index cards are used, they should be filed alphabetically. The pending case index cards should be kept in a convenient location, separate from the disposed case cards. Supreme Court Operating Rule 4.09 sets forth the requirements for the case index.

Court Operating Rule 4.09.1 Courts Using an Automated Case Management System Approved by the State Judicial Records Committee

- 1) Courts shall have the capability to access case records through an automated search of the database by:
 - a) Name of party;
 - b) Case number; or
 - c) Date filed.
- 2) Confidential case records shall not be accessible through an automated search of the database by persons who are not authorized to view such records.
- 3) Courts shall not maintain manual indexes for cases disposed of after implementation of the automated system.

Court Operating Rule 4.09.2 Courts Not Using an Automated Case Management System Approved by the State Judicial Records Committee

- 1) Separate index cards, bearing the full name of the party, shall be kept in alphabetical order for each defendant in municipal cases.

NOTE: A separate index card naming the State or municipality as plaintiff in a municipal case shall not be prepared.

- 2) The defendant index for criminal, traffic, and municipal cases shall contain:
 - a) Full name of the defendant;
 - b) Case number; and
 - c) Date filed.

3) Indexes for confidential cases shall be stored separately and shall be accessible only by authorized personnel.

2.11 CLOSED RECORDS

Closed records as defined in [Chapter 610, RSMo](#) are those records that are to be inaccessible to the general public (for example, cases that have been nolle prossed or dismissed, or where the accused was found not guilty). In addition, if imposition of sentence is suspended in the case, the records are closed when the case is finally terminated, i.e. probation is successfully completed and defendant is discharged from supervision of the court. [See Section 12.8 for S.I.S. discussion.] Closed records are to be accessible only to the defendant and to specific agencies for specific purposes as allowed in [Section 610.120, RSMo](#). However, the court's judgment or order of final judgment may be accessed. Id. [Section 610.105](#).

The court should designate an area that is inaccessible to the public, preferably a locked cabinet, where all closed records can be kept together. A closed record includes the case file, case index card, financial records where a name is listed, and any other information pertaining to the confidential case.

2.12 REPORTING REQUIREMENTS

2.12.1 Reporting To Office of State Courts Administrator – Municipal Division Summary Reporting Form

Each court is required by [Court Operating Rule 4.28](#) to report to the Office of State Courts Administrator (OSCA) on a monthly basis. The report is due by the 15th day of each month with data from the previous month. Data from the report is published in the annual report of the Supreme Court of Missouri and is used to provide information on the workload of the municipal divisions and predict the impact of legislative or procedural changes effecting the municipal divisions. Courts shall report on forms supplied by or in a format approved by OSCA. Courts shall comply on a timely basis with requests from OSCA to correct reporting errors or to supply information omitted from a previous report.

Courts with JIS, the automated case management system approved for statewide use, should not submit this report as OSCA can query the system for this information

2.12.2 Reporting to the Municipality

[Chapter 479, RSMo](#) requires the court to submit to the municipality a list of all cases heard during the preceding month. Within the first ten days of every month, the court must submit to the municipality a list of all cases heard or tried during the preceding month. However, [Court Operating Rule 4.29](#) allows the municipal division to submit the Municipal Division Summary Reporting Form to fulfill this requirement.

If the municipal division continues to provide a list and a case on that list is closed under [Chapter 610, RSMo](#), the court should not include the name of the defendant in the monthly report. Closed cases are those that are nolle prossed, those that are dismissed, and those in which the defendant is found not guilty or there is a suspended imposition of sentence in which the related probation

was completed successfully. For these cases, the court should provide the case numbers and outcome of the case, but black out or leave off the defendant's name.

2.12.3 Reporting To the Missouri State Highway Patrol ([Section 43.503, RSMo](#))

For applicable charges (see Charge Code List, OCN required column), the municipal division clerk shall furnish the Missouri State Highway Patrol (MSHP) Central Repository a record of charges filed, added subsequently, amended and all final dispositions including acquittals or pleas, sentence, probation set asides, termination of a sentence, or resentencing. The reporting must be by official cycle number from the fingerprint card and must be on standard forms supplied by MSHP or electronically in a method approved by MSHP.

The reporting must be done as soon as practical, which is generally considered to be within 30 days of the applicable reporting event.

For courts with JIS, manual completion of the fingerprint card is not required as these records are transmitted electronically to the Highway Patrol.

2.12.4 Reporting to the Department of Revenue

A. Case Disposition

The court shall report case disposition information on alcohol- and drug-related traffic offenses and commercial drivers' licenses and commercial drivers' license holders, including suspended imposition of sentences (SIS), not guilty and dismissals; and all convictions of moving driving violations, to the Missouri Department of Revenue (DOR). The report is to be received by DOR within seven days of disposition; this does not include the 10-day timeframe for filing a trial de novo. The report is made by submitting the completed "Abstract of Court Record" portion of the Uniform Citation, or by completing a "Record of Conviction" form or by electronic reporting approved by the Department of Revenue. See Appendix C, Traffic Display Reporting for additional information. [See [Section 302.225.1, RSMo](#) and Supreme Court Rule 37.68 for further details.]

For municipal divisions that are currently using JIS, the automated case management system approved for statewide use, this data is electronically transferred to DOR. The disposition is determined as the sentence signed date for guilty type dispositions and the date for disposition for non-guilty dispositions.

B. Abuse and Lose Procedures

The law allows a court to suspend or revoke the driving privileges of persons involved in certain drug or alcohol-related offenses, depending upon the age of the individual. When an order of suspension or revocation has been entered, the law states the court must require the defendant to surrender any license to operate a motor vehicle. The order of suspension or revocation and any surrendered license collected must be forwarded by the court to DOR.

There are also provisions in the law that require the court to order an offender who is under age 21 to complete a Substance Abuse Traffic Offender Program (SATOP).

A defendant whose driving privileges have been suspended or revoked may petition the circuit court (not the municipal division) or the DOR for limited driving privileges. For license reinstatement, the defendant must pay DOR a reinstatement fee and successfully complete a Substance Abuse Traffic Offender Program that meets or exceeds minimum standards established by the Department of Mental Health (DMH). The defendant is to pay for the cost of the program. [See Section 577.500-577.510, RSMo for further details.]

C. Failure to Appear or Pay Fine License Suspension

The law requires courts to notify defendants within 10 days who fail to dispose of moving traffic violations, that the Director of Revenue will suspend their license in 30 days. The Failure to Appear in Court on Traffic Violation (FACT) Form can be used in this situation. [See [Section 302.341, RSMo](#) for further details.]

The sequence of events should occur in the following manner:

1. Defendant receives a citation for a moving traffic offense.
2. Defendant fails to dispose of the charges by either:
 - a. Pre-payment through the violations bureau (VB), or
 - b. Appearing on the return date or at any subsequent court date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against them.
3. Within 10 days of the failure to comply, the court sends a notice by ordinary mail to the defendant. The notice should inform the defendant the court will order the Director of Revenue to suspend the defendant's driving privileges if the charges are not fully disposed of in 30 days of the date of mailing the notice. The notice should be mailed to the defendant's last know address in the court records.

If DOR-4558 is returned to the court as undeliverable, proceed when appropriate with the suspension notice to DOR and check the returned to court undeliverable box.

4. If noncompliant after the 30 days has lapsed, the court shall notify the Director of Revenue to suspend the defendant's driving privileges.
5. The defendant may reinstate their driving privileges after disposition of charges and payment of court costs and fines, if applicable, by submitting a notice of compliance from the court, and a \$20.00 reinstatement fee to DOR.

The clerk is responsible for indicating in the appropriate area of the form if the violation involved a commercial motor vehicle (CMV) or a CMV carrying hazardous materials (HAZ/MAT). The Uniform Citation will indicate whether either box should be marked.

Notice of compliance may be given to the defendant, or can be mailed or faxed to DOR at:

Department of Revenue
Driver and Vehicle Services Bureau

P.O. Box 3950
Jefferson City, MO 65105-3950
Fax: (573) 526-2511

D. Withholding Renewal of License

Under these provisions, if a driver fails to appear, the court must notify DOR within 10 days of the failure to appear. This report will cause DOR to withhold the renewal of the offender's license or the issuance of a duplicate license until the case is disposed.

DOR requests that clerks report the failure to appear using the "Lieu of Bail" form that is supplied by DOR. When the case is disposed, report the disposition as indicated in "Sub-Section A". [See [Section 544.045, RSMo](#) for further details.]

This reporting is not required if the court has submitted the "Failure to Appear in Court on Traffic Violation" (FACT) form.

E. Non-Resident Violator Program

In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to DOR. If the defendant fails to comply, the court administrator shall forward to DOR the Non-Resident Violator Compact Form provided by DOR. This provision shall be in effect for non-resident defendants from all other states in the United States, which are members of the Non-Resident Violator Compact. [See [Section 544.046, RSMo](#) for further details.]

F. Driver Improvement Program

An offender, upon order of the court, may complete an approved driver improvement program within 60 days of the date of conviction. Successful completion within 60 days will result in DOR staying the assessment of points against the offender's driving record for the offense if the court permits the stay of points. However, the offense remains on the defendant's driving record. The completion of a driver improvement program shall not be accepted in lieu of points more than one time in any 36-month period. [See [Section 302.302, RSMo](#) for further details.]

Individuals possessing a commercial driver's license (CDL) are disqualified from participating in a driver improvement program in lieu of points.

The clerk must send notice of any driver improvement program completion to DOR within 15 days of program completion to:

Director of Revenue
Driver License Bureau
P.O. Box 200
Jefferson City, MO 65105-0200

The individual must complete the program within 60 days of conviction in order to be accepted in lieu of the assessment of points. If the program is not completed with 60 days, DOR will assess points.

The court may order a defendant to complete a program without staying the assessment of points. Only report program participation and completion if the court orders a stay of assessment of points and the program is completed within 60 days of conviction.

G. Ignition Interlock

Courts are required to order the installation of an ignition interlock device for any person found guilty or pleading guilty to a second or subsequent intoxication-related offense. The court may order installation of the device on a first intoxication-related traffic offense. The installation shall be for a period of not less than one month from the date of reinstatement of the person's license.

When the court orders installation of an ignition interlock device, DOR is sent a copy of the order. The court order, including the beginning and ending dates of the order will be entered into the driving record of the defendant. This information will be used by law enforcement personnel when making a stop to determine if the person has been ordered to have an ignition interlock installed on all vehicles they operate.

Within 30 days of the court order to install an ignition interlock device, the defendant must provide proof of compliance of installation to the court or the probation officer. The defendant must also report to either the court or the probation officer at least once per year. [See Section 577.600 through 577.614 for further details.]

H. Court Automation and City Funds

Report the amount of funds being disbursed each month for Crime Victims Compensation Fund – State Court Automation Fund (JIS courts only) and Clerk Fees if applicable, on the City Fees Form 4583. A separate check should be issued for each fee. If the number of cases paid in full is readily available, the court should note this on the form. This form should be mailed to the Department of Revenue by the 20th of each month for the collections of the previous month. The City Fees Form 4583 can be obtained from the Missouri Department of Revenue Web site: www.dor.mo.gov/tax/citycounty/forms/4583.pdf.

Forward the City Fees Form 4583 to:

Missouri Department of Revenue
County Tax Section
P.O. Box 453
Jefferson City, MO 65105-0453

2.12.5 Reporting to the Department of Public Safety

A \$1 Peace Officers Standards and Training (POST) Fund surcharge shall be charged on all municipal ordinance violations, including non-moving traffic violations (excluding dismissed cases, or cases where the state, county, or municipality are liable for the costs).

The total amount collected should be remitted monthly to the Department of Public Safety. [See [Section 488.5336, RSMo](#) for further details.]

2.13 CONFIDENTIAL AND CLOSED RECORDS

A. The court administrator shall identify all court records that contain confidential information and maintain all confidential records in accordance with those procedures set for the in Section 5.1 of the Municipal Clerk Handbook. The court administrator shall permit closed records to be inspected by the defendants, courts, and those agencies as are set forth in 610.120, RSMo. The court administrator shall identify all court records (including docket entries for cases that have been nolle prossed, dismissed, SATOP, the defendant found not guilty, or there is a suspended imposition of sentence in which the related probation was completed successfully) that contain confidential information. The city should provide adequate and secure file cabinets for the retention of confidential records and closed files. [See [Sections 610.120, RSMo](#) for further details.]

B. If the court orders the defendant to participate in a SATOP program, the court administrator shall file all documents received from the program provider in the case file, and all documents relating to the program assessment, assignments and completion shall remain confidential, in accordance with 42 CFR Part 2, (42 U.S.C. 290 dd-3).

2.14 RECORDS TRANSFER/DESTRUCTION

Supreme Court of Missouri [Court Operating Rule 8](#) provides for the transfer and destruction of court records. The Rule shall apply to all records not transferred, destroyed, or offered for transfer prior to January 1, 2010. The Rule describes specific procedures that must be followed if a municipal division wishes to transfer or destroy court records. The court does not have the option to transfer or destroy records unless the provisions of COR 8 have been met.

Court Operating Rule 8.03 (E) Procedure for Destruction of Open and/or Confidential Records.

“(1) After following procedures from COR 8.03(C) "Records Eligible for Offer and/or Transfer to Archives" and receiving no acceptable request for transfer the records can be destroyed. [Note this is not applicable to municipal division records.]

(2) Upon approval of the respective court en banc or the committee, each court, or the chair of the fine collection center advisory committee may issue orders of destruction of paper, microfilm or electronic records of the court, district, circuit or center, respectively that have met the retention schedules pursuant to the provisions of COR 8.

(3) Paper records may be destroyed prior to meeting the retention schedule if records have been reduced to archival-quality microfilm.

(4) Electronic records may be destroyed after meeting the retention schedule for electronic records retention.

(5) Orders of destruction shall include the period of time during which such records were filed or prepared, whether the records include civil, criminal, domestic relations, juvenile, mental health, municipal, probate, traffic, or other types of action, the media being destroyed and the method of destruction. All orders shall be provided to and maintained by the courts or the director of the fine collection center.”

If the COR 8 conditions have been met, the municipal division judge must request that the presiding judge of the circuit issue an order of destruction or transfer of records. [See [Court Operating Rule 8](#), for a more thorough explanation of these requirements as well as sample forms that can be used for this process.]

2.15 COURT FACILITIES

2.15.1 IN GENERAL

The following section provides general guidelines for facilities of municipal divisions. Some of the recommendations can be implemented by rearranging existing facilities, while others may entail remodeling or the purchase of furniture or equipment. Not all courtrooms can be arranged as recommended, but each judge should strive to establish a court that operates professionally, efficiently, and safely with the resources and facilities available.

2.15. COURT LOCATION

The municipal division should be located in a quiet and easily accessible area. The court should not be located in a private residence, on the property of a private citizen, in a building used by the judge for private business purposes, or at a police station, sheriff's office or other law enforcement agency office.

2.15.3 COURT SECURITY

Policies and procedures should be established to ensure, as much as possible, that persons appearing before the court or employed by the court are safe from harm, and that all the records and property of the court are protected against theft or accidental or intentional damage.

Preventive measures should be taken where possible. For example, the presence of a bailiff or a police officer at all court proceedings will reduce the possibility of violence or general disruption; a barrier, such as a railing, in the courtroom may help prevent unwelcome intrusions in the trial or bench area of the courtroom. Defendants should not be allowed to handle their case files without court supervision; collection of money should not occur in an area where theft and escape could occur easily.

2.15.4 COURTROOM

The courtroom should be separate from the clerk's office, the judge's chambers, the conference room, the restrooms, and the storage areas. The courtroom should be large enough to accommodate all interested parties, without overcrowding, including witnesses, attorneys, court personnel, and the general public. Special attention should be given to cleanliness, acoustics, lighting, heating and ventilation. No commercial advertising should be displayed anywhere in a courtroom.

The courtroom should be clearly divided into a trial area and a spectator area. The trial area should be separated from the spectator area by a railing or space. Where possible, entrances should be at the rear of the spectator area for the public and at the front of the trial area for the judge. Each entrance should have a door that can be closed to minimize outside noise while court is in operation.

The trial area should include an elevated bench area, a clerk's desk and chair, a counsel table (preferably two) with chairs, and a witness chair. The bench area should be elevated so the judge's level is two or three steps higher than the rest of the room. The bench area should include a chair for the judge and a large desk with at least one drawer for storage. An American and a state flag should stand behind the bench, one on each side of the judge. A witness chair should be placed to one side of the judge's desk at the front of the elevated area.

The remainder of the trial area should include (1) a desk and chair for the clerk; (2) two counsel tables, each with two or more chairs located at least six feet away from the bench; and (3) a blackboard and magnetized traffic board with cars and accessories for clarifying testimony.

The spectator area should have enough fixed chairs or benches to accommodate the court's usual number of observers. Benches or seats should be far enough apart to provide leg and elbow room and to avoid causing discomfort.

2.15.5 CLERK'S OFFICE

The clerk's office should be located far enough away from the courtroom to minimize any office noise that might occur during court proceedings.

The clerk's work area in the office should be separated from the public entrance area by a counter or a large work table. This arrangement allows for convenience in conducting business, and also helps to prevent unauthorized people from routinely entering work or records storage areas while in the office.

ACCOUNTING GUIDELINES

2.16 IN GENERAL

The municipal division must have an organized and efficient accounting system that ensures accurate reporting of all transactions and provides sufficient documentation for audit purposes. It is the judge's responsibility to ensure that all necessary accounting records are prepared and retained.

In some municipalities, the court has turned over all accounting-related duties to a city employee other than a court employee. Relinquishing these duties to non-court personnel does not relieve the court of its responsibility to ensure that all accounting records are prepared and retained. For this reason, courts are strongly encouraged to maintain their own financial records.

If the city presently handles these duties and, upon the court's request, refuses to authorize the court to establish and maintain its own financial records and bank accounts, the court should document this refusal. The documentation may prove useful in the event an audit determines that the court monies were improperly handled or that the financial records are incomplete.

The Office of State Courts Administrator has established recommended accounting procedures for municipal divisions. Refer to these guidelines for specific accounting recommendations. See Section 4.5 *Recommended Accounting Procedures for Municipal Divisions* (Municipal Clerk Handbook) following this chapter.

2.17 JUDICIAL EDUCATION FUND

Each municipal division may establish, by judicial order, a Judicial Education Fund to provide for the continuing education and certification of municipal judges and the judicial education and training of the court administrator and clerks of the municipal division. In August 2009, legislation was enacted to allow the fund to also be used for appointed counsel, see below. If the fund has been established, the municipal division withholds \$1 from “all fees collected” on each case and deposits it in the Judicial Education Fund administered by the municipal division. Any fund balance that exceeds \$1,500 for each court employee shall be turned over quarterly to the municipal treasury. [See [Section 479.260, RSMo](#) for further details.]

2.18 APPOINTED COUNSEL FUND

Each municipal division may establish an appointed counsel fund. This fund is covered by the same \$1 referenced in the Judicial Education Fund. The fees collected are to be allotted between the two funds as determined by the court. The appointed counsel fund shall be used only to pay for legal representation where Supreme Court rules or laws prescribe such appointment. Any fund balance that exceeds \$5,000 shall be paid over to the municipal treasury. [See [Section 479.260, RSMo](#).]

2.19 DOMESTIC VIOLENCE SHELTER FUND

If the municipality enacts an ordinance, a maximum of \$2 may be assessed on each municipal ordinance violation case to be used for local area domestic violence shelters. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. The amounts collected are disbursed to the city treasury. [See [Section 488.607, RSMo](#) for further details.]

2.20 INMATE SECURITY SURCHARGE

If the municipality enacts an ordinance, an amount of \$2 shall be assessed on each municipal ordinance violation case to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. No surcharge shall be collected in any proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. [See [Section 488.5026.1, RSMo](#) for further details.]

2.21 LAW ENFORCEMENT TRAINING SURCHARGE

If the municipality enacts an ordinance, an amount of \$2 shall be assessed on each municipal ordinance violation case to pay for training of the law enforcement personnel employed or appointed by the municipality. Nor surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. The amounts collected shall be disbursed monthly to the city treasurer. [See [Section 488.5336.1, RSMo](#) for further details.]

2.22 MUNICIPAL DIVISION COSTS

The following costs may be charged in municipal division cases. The first set of costs applies to costs for municipal ordinance violations that are filed in a separate municipal division. The

second set of costs applies to costs for municipal ordinance violations that are filed in an associate circuit division.

<u>Court cost: Cases filed in a Municipal division</u>	<u>RSMo.</u>	<u>Amount</u>
Clerk Fee.....	479.260 & 488.012.3.6.....	\$12.00
Court Automation Fund Surcharge (JIS Courts only) (Requires an agreement with the State Courts Administrator & a city Ordinance)	COR 21.01(a)(4) & 476.056.....	7.00
Peace Officers Standards and Training Fund Surcharge	..488.5336.1.....	1.00
Crime Victim’s Compensation Surcharge	595.045.6.....	7.50
Total Non JIS Courts / JIS Courts		20.50 / 27.50

Possible Additions

Domestic Violence Shelter Fund Surcharge..... (Requires a city ordinance)	488.607.....	2.00
Inmate Security Fund Surcharge..... (Requires a city ordinance)	488.506.....	2.00
Law Enforcement Training Fund Surcharge..... (Requires a city ordinance)	590.140.....	up to 2.00
Law Enforcement Arrest/Recoupment Arrest Costs..... (Alcohol and drug related traffic offenses)	488.5334.....	Variable
Judicial Education Fund/Appointed Counsel Fund	479.260.....	1.00*
(Requires a judicial order)		
* The \$1.00 amount is not an additional amount collected but is retained by the court from the \$12.00 clerk fee.		

<u>Court cost: Cases filed in a Associate Circuit Division</u>	<u>RSMo.</u>	<u>Amount</u>
Clerk Fee.....	479.260 & 488.012.3.6.....	\$15.00
Court Automation Fund Surcharge.....	COR 21.01(a)(4) & 476.056	7.00
Peace Officers Standards and Training Fund Surcharge	588.5336.1.....	1.00
Crime Victim’s Compensation Surcharge	595.045.6.....	7.50
Total		30.50

Possible Additions

Domestic Violence Shelter Fund Surcharge.....	488.607.....	1.00
(Requires a city ordinance)		
Inmate Security Fund Surcharge.....	488.506.....	2.00
(Requires a city ordinance)		
Law Enforcement Training Fund Surcharge.....	488.5336.1	2.00
(Requires a city ordinance)		
Law Enforcement Arrest/Recoupment Arrest Costs.....	488.5334.....	Variable