WORKING GROUP UPDATE: MUNICIPAL COURTS & GOVERNANCE

Co-Chairs: Rev. Traci Blackmon, Dr. T.R. Carr

May 12, 2015
UPDATE ON SENATE BILL 5

On Thursday, May 7, the Missouri Legislature passed Senate Bill 5. The passed bill makes substantive changes to state law that meet the majority of the four Calls to Action developed by the Ferguson Commission’s Municipal Courts & Governance Working Group. The bill is awaiting the Governor’s signature.
### IF SIGNED INTO LAW, SB 5 WOULD...

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<th>CALLS TO ACTION</th>
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| Enforce state-established cap on traffic fine revenue | 1. Lowers existing 30% cap on municipal revenue from minor traffic violations (*effective January 1, 2016*)  
   a) **St. Louis County**: 12.5% of municipal operating revenue  
   b) **Other counties**: 20% of municipal operating revenue  
2. Defines sources counting toward “municipal operating revenue”  
3. Adds enforcement mechanisms for noncompliant municipalities  
   a) **Forfeit sales tax**  
   b) **Votes to disincorporate** |
| Develop alternatives for failure-to-appear charges | 1. New municipal prohibitions  
   a) **No arrest warrants** or other charges for failure to appear  
   b) **No confinement** for failure to pay fines  
2. New required alternatives  
   a) **Payment plans**  
   b) **Community service** |
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| **Allow defendants to present evidence of financial condition before fine assessment** | 1. New required municipal procedures  
a) Defendants present **evidence of indigency**  
2. New judicial guidelines and standards  
a) **Circuit courts** to develop standards for indigency  
b) **SCOMO** to develop model rules for determining indigency |
| **Create list of procedural rights applicable to all municipal courts** | 1. New municipal court requirements  
a) **Electronic payment** available for minor traffic violations  
b) **Proceedings open to the public**  
2. New checks and balances  
a) **$300 limit** for court costs plus fines  
b) **Limited hold time** prior to a hearing  
c) **No detention** to coerce payment |
ISSUES
Issues

Process: we asked working group members to submit a brief survey ranking issues

Please rank the following issues to be considered by the working group
(enter numerals 1 to 7 according to priority).

- **Judicial Independence**
  (independent operation of municipal courts following judge selection)

- **Judicial Conflict of Interest**
  (ex: judges selected taking into account past electoral history and current professional affiliations)

- **Efficiency of Municipal Courts**
  (ex: consolidation)

- **Inappropriate Sentencing**
  (ex: penalties misaligned with defendants' ability to pay, community service options not considered in place of fines and/or incarceration, use of bench warrants, setting of bonds)

- **Unclear Ticketing Language**
  (ex: tickets that fail to indicate the importance of appearing in court)

- **Lack of Procedural Transparency**
  (ex: defendants are not informed of court procedures and options available to them)

- **Lack of Court Accountability**
  (ex: courts are not held accountable to public, appropriate judicial circuit, MO Supreme Court guidelines)
WORKING GROUP UPDATE: ISSUE SELECTION

Please rank the following issues to be considered by the working group (enter numerals 1 to 7 according to priority).

- Inappropriate Sentencing: 12%
- Lack of Court Accountability: 9%
- Judicial Independence: 6%
- Judicial Conflict of Interest: 6%
- Efficiency of Municipal Courts: 3%
- Lack of Procedural Transparency: 6%
- Unclear Ticketing Language: 6%
Given the current status of SB 5, which restricts municipal revenues from traffic tickets, should the Working Group make additional revenue-related recommendations?

- Yes: 36%
- No: 64%
The working group plans to divide its recommendations into two tracks. Do you agree or disagree with the these tracks?

Track 1: **Affecting Change Today**
Track 2: **Planning for Tomorrow**
Please rank the following issues for revenue-related recommendations (enter numerals 1 to 6 according to priority).