Municipal Courts Report
KEY FINDINGS

• Lack of Oversight of Municipal Courts

• Municipalities reliant on revenue from fines & fees

• Procedural issues

• Loss of trust in municipal court system
MUNICIPAL COURT STRUCTURE

- There are 45 judicial circuits in Missouri
- Municipal courts in MO are a division of the state circuit in which they sit.
- The municipal courts of a circuit are overseen by the presiding judge of that circuit
• On average, a Missouri judicial circuit has 8.6 municipal courts

• The 21st Circuit (St. Louis County) has 81 municipal courts, 61 more municipal courts than the next largest circuit

• Meaning the presiding judge of St. Louis County is responsible for nearly 10 times the number of municipal courts than other presiding judges
## MUNICIPAL COURT ISSUES: FINES & FEES

### KEY FACTS & FIGURES (2013)

<table>
<thead>
<tr>
<th></th>
<th>Municipal Fines &amp; Fees Revenue</th>
<th>% of State Total</th>
<th>% of State Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Missouri</td>
<td>$132,032,352</td>
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<tr>
<td>St. Louis Region</td>
<td>$61,152,087</td>
<td>46%</td>
<td>22%</td>
</tr>
<tr>
<td>St. Louis County</td>
<td>$6,699,384</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>St. Louis City</td>
<td>$9,316,287</td>
<td>7%</td>
<td>5%</td>
</tr>
<tr>
<td>St. Louis County Municipalities</td>
<td>$45,136,416</td>
<td>34%</td>
<td>11%</td>
</tr>
</tbody>
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* St. Louis City, St. Louis County, Municipalities in St. Louis County
• St. Louis County has 14 municipalities where fines and fees are the single largest source of general revenue*

• St. Louis County Has 21 Municipalities That Collect Over 20% of General Revenue from Fines and Fees**

* 13 of 14 Municipalities are in North County
** 20 of 21 Municipalities are in North County
Missouri Revised Statute 302.341

- 30% Cap on General Revenue from Fines and Fees with Excess to Go to Schools
- Municipalities must provide to the state an accounting of the percent of annual general operating revenue from fines & fees
- Failure to report results in loss of court jurisdiction

Issue of Oversight - State relies on municipalities to self-report and send excess funds to department of revenue
Procedural Issues

• Some St. Louis County municipal courts hold individuals unable to pay until they are able to do so

• Most courts do not take into account an individual’s ability to pay

• Courts are permitted to create payment plans, reduce fines, or treat fines and fees as a civil matter, but most do not

• Individuals not provided legal counsel or notified of rights
BEST PRACTICES & POTENTIAL REFORMS

• Granting greater oversight of the municipal courts by providing additional circuit judges to assist the presiding judge in oversight of the municipal system.

• Implementing a 10% cap on the amount of general revenue that a county or municipality can collect each year and creating a strict framework for annual reporting to the State Auditor for review.

• Pooling municipal court fines and fees among all municipalities or counties within a judicial circuit, to lessen the incentive to utilize fines and fees as a revenue stream.

• Ensuring a court’s ability to remain open to the public by establishing a cap on cases per session of municipal court.
• Providing a uniform list of rights and procedural options and consequences on the back of every municipal citation, at the entrance to courts, and on municipal court websites.

• Requiring courts to utilize alternative means to collecting fines and fees outside of jailing.

• Providing for an “ability to pay” hearing before any individual can be detained or otherwise penalized for failure to do so.

• Requiring that municipal judges be selected by a panel in the judicial circuit in which they sit, rather than by the municipality itself.

• Requiring a municipal court to have a paid public defender available to provide basic consultation and to protect the rights of each defendant.