

ORDINANCE NO. 130682

Amending Section 2-1464, Code of Ordinances, entitled "Additional costs," by adding an additional surcharge of \$7.00 for moving and general ordinance violations and \$3.00 for non-moving violations to fund special mental health, drug, and veterans courts as authorized by state law.

WHEREAS, a new §488.2230, R.S.Mo. was enacted by the Missouri General Assembly to authorize the assessment up to \$7.00 per case additional court costs to be used to fund special mental health, drug, and veterans courts, and became effective on August 28, 2013; and

WHEREAS, the Kansas City Municipal Division of the Sixteenth Judicial Circuit operates special mental health, drug, and veterans courts which may be partially funded through this new court cost; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 2-1464, Code of Ordinances is amended to read as follows:

**Sec. 2-1464. Additional costs.**

(a) *Costs for use in training of law enforcement officers.* In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance or court rule, in every proceeding filed in the municipal division, for violation of an ordinance, a surcharge of \$2.00 shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. Such surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer. Funds collected under this subsection shall be used by the city only to pay for the training of peace officers and law enforcement officers as provided by 590.140, RSMo.

(b) *Peace officer standards and training commission fund.* Pursuant to 590.140, RSMo, an additional surcharge in the amount of \$1.00 shall be assessed to be paid to the state treasury to the credit of the peace officer standards and training commission fund. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. This surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer.

ORDINANCE NO. 130682

(c) *Costs for use in funding of shelters for battered persons.* In addition to all other court costs for municipal ordinance violations, a surcharge of \$2.00 shall be assessed and collected for each case filed in the municipal division unless the proceeding or defendant has been dismissed by the court, the costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the court to be indigent and unable to pay the surcharge. The surcharge shall be collected by the court administrator, transmitted monthly to the city treasurer, and used only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200—455.230, RSMo.

(d) *Costs for use in a court information and records management system.* For each municipal ordinance violation case, except nonmoving traffic violations filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau, wherein the defendant pleads guilty or is found guilty, the court shall assess a surcharge in the amount of \$5.00 against the defendant, except in those cases where the defendant is found by the judge to be indigent and unable to pay costs. The surcharge shall be collected by the court administrator, transmitted monthly to the city treasury, and used only for the procurement, installation, maintenance, consulting services, and upkeep of a court information and records management system.

(e) *Costs for use in developing a biometric identification system.* In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance or court rule, in every proceeding filed in the municipal division, for violation of an ordinance, except nonmoving traffic violations filed before a municipal judge or processed in a traffic violations bureau or a general violations bureau, a surcharge of \$2.00 shall be assessed as costs. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such 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. Such surcharge shall be collected by the court administrator and transmitted to the city treasurer. The city treasurer shall deposit all such funds generated pursuant to this subsection in an “inmate security fund”, which is hereby created. Such funds collected under this subsection shall be used by the city only to pay for the development of biometric identification systems as provided by section 488.5026, RSMo.

(f) *Costs for certain specialized courts.* Pursuant to section 488.2230, RSMo, an additional surcharge in the amount of \$7.00 for moving and general ordinance violations and \$3.00 for non-moving violations shall be assessed to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts. No such surcharge shall be collected in any proceeding in which the proceeding or defendant has been dismissed by the court, when costs are to be paid by the state, county or municipality, or in cases where the defendant is found by the

ORDINANCE NO. 130682

court to be indigent and unable to pay the surcharge. This surcharge shall be collected by the court administrator and transmitted at least monthly to the city treasurer.

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Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney