

AGENDA ITEM
August 19, 2013

Subject: Municipal Court Surcharge

Department: Municipal Court

The City of Nevada has been notified by the Office of State Courts Administrator that Municipal Courts will be required to assess a \$3 Sheriff Retirement Fund Surcharge as court costs.

BILL NO. 2013-042

ORDINANCE NO.

A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AMENDING SECTION 20-23 OF THE CITY CODE OF THE CITY OF NEVADA, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:

Section 1. Section 20-23 of the code of the City of Nevada, Missouri, is hereby amended by addition of the following additional subsection (5) to meet the apparent mandate of Section 57.955, RSMo, and Missouri Attorney General Opinion 20-2013 issued April 17, 2013:

(5) There shall be assessed and collected a surcharge of three dollars in all civil actions filed in the Municipal court and in any “criminal cases including violation of any county ordinance or any violation of the criminal or traffic laws of this state, including infractions”, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. The clerk responsible for collecting court costs in municipal court shall collect and disburse such amounts as provided and required by Section 57.955, 488.010 and 488.020, RSMo. This provision will be subject to such judicial interpretation as may hereafter be issued by Missouri Appellate Courts addressing and interpreting the statutory mandate.

Section 2. All other provisions of Said Section 20-23 of the Code of the City of Nevada, Missouri, not inconsistent herewith are to remain in full force and effect.

This ordinance shall be in full force and effect from and after its adoption and approval.

PASSED, APPROVED and ADOPTED by the City Council of the City of Nevada, Missouri, this _____ day of September, 2013.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
Seth Barrett, Mayor

Attest:

Bev Baker, City Clerk