

**IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI  
17 JUDICIAL CIRCUIT**

**MUNICIPAL DIVISION – THE CITY OF RAYMORE**

**MUNICIPAL COURT OPERATING ORDER #1  
CITY OF RAYMORE**

**Effective Date – May 2, 2019**

The Court, on its own motion, makes the following General Orders with respect to the administration of the Court:

I. Court Administrator. The Court Administrator, Donna Furr and all court clerks, shall be responsible for the orders contained in Paragraphs II through X. The Court Administrator shall when applicable request the City Finance Department (“City”) to assist the Court Administrator to effectuate applicable provisions of Sections II, III, IV, V, VII, VIII and IX herein.

II. General Administrative Procedures.

A. Case Numbering. All cases filed by the prosecutor shall be assigned a unique number and indexed. All forms used by the Court shall be numbered sequentially and accounted for, including receipt slips, bond forms, tickets, summons, complaint forms, and payment agreements. (*Source: Supreme Court Operating Rule (“COR”)4.04.; payment agreement source State Auditor recommendation.*)

B. Violation Bureau Schedule. Court Administrator Donna Furr is appointed Violation Bureau Clerk. The Violation Bureau Schedule (which has been established by a separate court order) shall be prominently displayed at the payment window so that defendants wishing to pay tickets out of court may view the Schedule. (*Source: S. Ct. Rule 37.49.*)

C. Budget. The Court Administrator shall communicate regularly with the Judge and the City regarding any budget issues involving the Court. Any budget disputes shall be resolved through a settlement conference with the Presiding Judge, if necessary. (*Sources: Mo. Constitution, Article II; COR 13.*)

III. Reporting Requirements.

A. Reporting to the City. Within the first ten (10) days of each month, the Court Administrator shall submit to the City Clerk the dockets of all cases heard during the preceding month by the Court and those cases in which there was an application for a trial de novo. The City Clerk shall make a copy of the previous month’s docket showing all case dispositions. If a record is closed under Chapter 610, RSMo, the Court Administrator shall not include the name of the defendant in the monthly report. For all cases that are nolle prossed, dismissed, or those in which the defendant is found not guilty, the Court

Administrator shall supply all the required information, but black out the defendant's name. The Judge should receive a copy of the redacted docket. If requested by the City, the Court Administrator may substitute submission of the dockets to the City Clerk with a report for the previous month's activities showing the detailed income of the Court and the number of cases handled by the Court. (*Source: 479.080.3 RSMo.*)

B. Reporting to the Department of Revenue.

1. Case Disposition. The Court Administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while driving a commercial motor vehicle, including commercial drivers license holders driving a personal vehicle, to the Missouri Department of Revenue ("DOR") The Court Administrator shall complete the report by submitting a completed "Abstract of Court Record," portion of the Uniform Citation, or by completing a "Record of Conviction" form. The Court Administrator shall abide by the "Traffic Case Processing Procedures" found in Chapter III of the then current Missouri Municipal Clerk Manual ("Clerk Manual") published by the Office of State Court Administrator ("OSCA").

2. The above disposition reporting shall be sent by the Court Administrator to be received by the DOR within seven days of disposition (*Source: 302.225.1 RSMo; S. Ct. Rule 37.68.*)

3. Crime Victims Compensation Fund. The Court Administrator shall cause a \$7.50 Crime Victims Compensation Fund ("CVC") surcharge to be assessed on all non moving and moving traffic violations and all other nontraffic municipal ordinance violations, unless the case has been dismissed. The Court Administrator shall forthwith cause the CVC charge to be reported to DOR and disbursed as follows:

95% (\$7.13 of each fee) shall be sent to the DOR no less than monthly and 5% (\$.37 of each fee) to the general fund of City in accordance with IV.C, *infra.* (*Source: 488.5339 & 595.045 RSMo.*)

4. Abuse and Lose Procedures. In the event that the Judge shall enter an order suspending or revoking the defendant's driving privileges under the Abuse and Lose law, the Court Administrator shall send any Missouri license surrendered to the Court, along with the certified copy of the Order of Suspension on the official DOR form, to the DOR. The Court Administrator shall follow those procedures regarding Abuse and Lose reporting as set forth in Section 3.7 of the then current Clerk Manual. (*Source: 577.500-577.505 RSMo.*)

5. Failure to Appear or Pay -- License Suspension on Non Minor Traffic Violations. The Court Administrator shall notify defendants within ten (10) days of that defendant's failure to dispose of a moving traffic violation, that the Court will order the DOR to suspend that defendant's license in thirty (30) days, if the charges are not disposed of or fully paid. Such notification may not be sent until a summons has been sent to the defendant and there shall thereafter be no appearance. The Court Administrator shall

send the F.A.C.T. form to the DOR when a defendant has failed to appear on a court date after a summons has been issued to the defendant, when the defendant fails to appear on a subsequent court date to which the case has been continued, or, when the defendant, without good cause, fails to pay any fine or costs assessed against him or her.

Upon payment of all fines and costs, or, if earlier ordered by the Judge, a compliance notice on forms approved by the DOR shall be issued to the defendant, and the Court Administrator shall forthwith advise the DOR of such compliance. (*Source: 302.341 RSMo.*)

6. Withholding Renewal of License. In the event a driver shall fail to appear when ordered, and without being first granted a continuance, the Court Administrator shall notify the DOR within ten (10) days of the failure to appear, by using the “Lieu of Bail” form then supplied by the DOR except such notification shall not be required if the Court Administrator has utilized the notification procedures set forth in Paragraph 5, *supra*. When the case is disposed of, the Court Administrator shall report the disposition as on any other traffic case. (*Source: 544.045.4 RSMo.*)

7. 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 defendant fails to comply, the Court Administrator shall forward the Non-Resident Violator Compact Form provided by DOR, to 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. (*Source: 544.046 RSMo.*)

8. Driver Improvement Programs. In the event that the Judge has ordered a defendant to complete the Driver Improvement Program, the Court Administrator shall send notice of its completion to the DOR within fifteen (15) days of Program completion. The Court Administrator shall not send any notice of the Driver Improvement Program if the moving traffic violation has been amended to a nonmoving violation by the Prosecutor. (*Source: 302.302 RSMo.*)

9. Ignition Interlock Device. When the Judge shall order the use of an ignition interlock device, the Court Administrator shall forthwith send the Order to install ignition interlock device to DOR properly executed, containing the requirements for the period of the use of the ignition interlock device. (*Source: 577.600 through 577.614 RSMo.*)

C. Reporting to OSCA.

The Court Administrator shall complete and deliver the “Missouri Municipal Division Summary Reporting” form to OSCA no later than the 15<sup>th</sup> day of each month, with data completed from the previous month’s court activity. This data shall be delivered electronically to OSCA via MCIC on the then current form provided by OSCA. The Court Administrator shall complete the form in accordance with the instructions submitted from

time-to-time by OSCA, and as contained in the then current Clerk Manual. A copy of the OSCA form shall be submitted to the Judge each month, and if requested, to the City. (Source: COR 4.28.)

D. Reporting to the Highway Patrol.

The Court Administrator shall report to the Missouri Highway Patrol any violations of municipal ordinances involving alcohol or drug related driving offenses by completing and sending to The Highway Patrol the State Criminal Fingerprint Card, which contains an Offense Cycle Number (“OCN”), within 15 days of case disposition. (Source: 43.503 RSMo.)

IV. Fines, Court Costs, Surcharges and Fidelity Bonds.

A. Collection of Fines, Court Costs, and Surcharges. The Court Administrator shall use his/her best efforts so that on each case, fines assessed and general court costs in the amount as set forth by ordinance, CVC surcharges, POST surcharges, Law Enforcement Training Fund (“LETf”) surcharge, recoupment, domestic violence, and other surcharges as are set forth by City ordinance, are collected and remitted timely to City and to DOR, respectively, in accordance with this Order. In the event that there is an overpayment of \$5.00 or less, the City may retain such funds on any case, and if there is an underpayment of \$5.00 or less, the fine and court costs are not required to be collected. (Source: Court Cost: City Ordinance; CVC 488.5339RSMo. and 595.045 RSMo.; POST: 488.5336RSMo.; and LETf: 488.5336RSMo.)

B. Receipts for Payment of Fines, Court Costs and Surcharges. The Court Administrator shall issue a pre-numbered receipt for all collections and provide such a receipt to the payer if payment is made in person, and retain a duplicate copy of the receipt in the receipt book. If payment is made by mail, the Court Administrator shall file the original copy of the receipt with the case file information, or maintain the original receipt in a pre-numbered receipt book cross-referenced with the docket entry, unless the payer requests the receipt be returned by mail, and provides a self-addressed, stamped envelope.

C. Deposit of Fines, Costs, Surcharges and Bonds to be Placed into Applicable Accounts. The Court Administrator shall deposit all fines, costs, surcharges and bonds collected in the Court’s or City’s bank accounts on a daily basis, or when the amount on hand reaches \$100.00, if not on a daily basis. The Court Administrator shall, to the extent possible, work jointly with the City to effectuate all deposits by delivery of same for deposit by police officers or other City personnel. The Court Administrator shall cause specific surcharges, including, but not limited to, CVC, POST, LETf, police recoupment, and, if applicable, domestic violence surcharges, to be placed as separate line items or in separate accounts and to be remitted to the proper entity or account no less than monthly.

D. Fidelity Bonds. In order to follow the recommendations of the State Auditor, the Court Administrator shall request the City to maintain fidelity bonds covering the Court Administrator and other personnel who handle collection or deposit of fines,

court costs and surcharges related to the Court. Court Administrator shall obtain a copy of the “dec. sheets” of any such bonds obtained by the City to keep in the Court permanent files.

V. Surety Bonds and Warrants.

A. Bond Qualifications. The Court Administrator shall keep a list of those sureties who have qualified to post surety bonds in the courts within the 17th Circuit. No person shall be accepted as a surety on any bail bond unless he or she is licensed by the Department of Insurance. (*Source: S. Ct. Rule 37.29; 374.710 RSMo.*)

No lawyer, elected or appointed official or municipal or state employee shall be accepted as a surety on any bond unless related to the defendant.

B. Surety Bond Receipts. The Court Administrator, shall use in her best efforts to act in conjunction with the City Police Department, to establish guidelines on cash bonds. The Court Administrator shall post the bond amount to the individual case and note the date and type of bond received.

The Court Administrator shall, whenever possible, request that personnel of the City or other court administrators together with the Court Administrator count all bond money. The Court Administrator shall deposit said bond money according to the City’s guidelines. The Court Administrator shall maintain said bond account and reconcile said account on a monthly basis. An open bond case report shall be submitted monthly to the City by the Court Administrator. (*Source: Chapter 2.2, Clerk Manual.*)

C. Unclaimed Bond Funds and other Funds. The Court Administrator shall follow those procedures set forth in the then current Clerk Manual to pay to the State Treasurer’s Office Unclaimed Property Division, all funds unclaimed for three years and cash bonds unclaimed for one year from the date the bond was due back to a person. The Court Administrator shall send a letter of notification and otherwise reasonably attempt to contact the person and return the funds. Said report shall be sent to the State Treasurer’s Office by November 1<sup>st</sup> of each year, and the Court Administrator shall remit said unclaimed funds with the report. The Court Administrator shall request the City assist in processing the reporting and remitting to the State Treasurer. (*Source: 447.532 RSMo. and 447.595 RSMo.*)

VI. Warrants. The Court Administrator shall follow those procedures and guidelines concerning warrants as are set forth in Section 2.5 of the then current Clerk’s Manual, unless otherwise directed by the Judge.

VII. Accounting Procedures. The Court Administrator shall to the fullest extent possible abide those accounting procedures as are mandated by COR 4.51 and which procedures are set forth in Section 4.44 of the then current edition of the Clerk Manual entitled “Recommended Accounting Procedures for Municipal Divisions.” In particular, the Court Administrator shall:

A. Reconcile banks collections statements monthly and same shall be reviewed by a person independent of the Court.

B. Maintain all funds that are being held in trust by the Court and reconcile monthly. All unusual items or exceptions shall be investigated promptly.

C. Ensure all payments on accounts are receipted, recorded to the accounts, and deposited intact.

D. Work jointly with the Police Department to account for all traffic tickets in numerical sequence and ultimate disposition of all tickets assigned and issued by the Police Department.

E. Maintain all the Court's records except for those permitted to be destroyed or transferred in accordance with Supreme Court Operating Rule 8.

F. Not waive any fine, court costs or surcharge, or agree to collect a different amount of fine, court costs or surcharge than that amount listed in the Violation Bureau Schedule or what has been assessed by a Court Order, except as discussed in IV.A *supra*.

G. Develop a system for independent monitoring, receiving and depositing monies as an independent task segregated from the recording and disbursement of collections. In the event that such duties cannot be segregated, at a minimum, the Court Administrator shall request the City develop a documented independent comparison of receipt slips issued in the amount and composition of deposits, and independent review of the bank statements and month-end reconciliations.

#### VIII. Confidential and Closed Records.

A. Identify Records. The Court Administrator shall identify all court records that contain confidential information and to maintain all confidential records in accordance with those procedures set forth in Section 5.1 of the then current Clerk Manual. 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, or the defendant found not guilty) that contain confidential information. The Court Administrator on behalf of the Judge shall request the City provide adequate and secure file cabinets for the retention of confidential records and closed files. (Source: 610.120 RSMo.)

B. Confidentiality of SATOP Programs. 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).

IX. Record Retention and Destruction. The Court Administrator shall retain all court records unless there shall be an order signed by the Presiding Judge to destroy same. The Court Administrator shall follow Missouri Supreme Court Operating Rule 8 and the City shall cooperate with the Court Administrator to follow a regular schedule to destroy and/or transfer cases eligible for transfer or destruction in accordance with Supreme Court Operating Rule 8. The Court Administrator shall abide by those recommended procedures set forth in Section 5.2 of the then current Clerk Manual. All requests to destroy or transfer records shall be signed by the Presiding Judge. (*Source: COR 8.03.*)

X. Marriage Records. If the Judge performs marriages, the Court 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. (*Source: 451.110 – 451.130RSMo.*)