

FIRST REGULAR SESSION

HOUSE BILL NO. 1166

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLOCHER.

2326H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 479.353, RSMo, and to enact in lieu thereof one new section relating to court costs for minor traffic violations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 479.353, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.353, to read as follows:

479.353. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not assess court costs that exceed thirty-three and one-third percent of the overall fine assessed by the court for minor traffic violations;

(3) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ~~[(3)]~~ **(4)** A person shall not be placed in confinement for failure to pay a fine unless such
18 nonpayment violates terms of probation or unless the due process procedures mandated by
19 Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

20 ~~[(4)]~~ **(5)** Court costs that apply shall be assessed against the defendant unless the court
21 finds that the defendant is indigent based on standards set forth in determining such by the
22 presiding judge of the circuit. Such standards shall reflect model rules and requirements to be
23 developed by the supreme court; and

24 ~~[(5)]~~ **(6)** No court costs shall be assessed if the defendant is found to be indigent under
25 subdivision (4) of this section or if the case is dismissed.

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