

FIRST REGULAR SESSION

HOUSE BILL NO. 1209

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MATTHIESEN.

1652H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 479.359, RSMo, and to enact in lieu thereof one new section relating to revenue from minor traffic violations.

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

Section A. Section 479.359, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.359, to read as follows:

479.359. 1. Every county, city, town, and village shall annually calculate the percentage of its annual general operating revenue received from fines, bond forfeitures, and court costs for municipal ordinance violations and minor traffic violations, including amended charges for any municipal ordinance violations and minor traffic violations, whether the violation was prosecuted in municipal court, associate circuit court, or circuit court, occurring within the county, city, town, or village. **Except as provided in subsection 3 of this section**, if the percentage is more than thirty percent, the excess amount shall be sent to the director of the department of revenue. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth in this section shall be sent to the department of revenue. The department of revenue shall distribute these moneys annually to the schools of the county in the same manner that proceeds of all fines collected for any breach of the penal laws of this state are distributed.

2. **Except as provided in subsection 3 of this section**, beginning January 1, 2016, the percentage specified in subsection 1 of this section shall be reduced from thirty percent to twenty percent, unless any county, city, town, or village has a fiscal year beginning on any date other than January first, in which case the reduction shall begin on the first day of the immediately following fiscal year except that any county with a charter form of government and with more

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.

18 than nine hundred fifty thousand inhabitants and any city, town, or village with boundaries found
19 within such county shall be reduced from thirty percent to twelve and one-half percent.

20 **3. Notwithstanding the provisions of subsections 1 and 2 of this section, all moneys**
21 **received by a county, city, town, or village from a minor traffic violation issued by a**
22 **municipal police officer for a violation that occurred on a state-maintained road or**
23 **highway shall be sent to the director of the department of revenue; except that, any costs**
24 **incurred by the county, city, town, or village for the collecting and processing of a fine**
25 **associated with such violation may be retained by such county, city, town, or village. The**
26 **director of the department of revenue shall set forth by rule a procedure whereby revenues**
27 **as set forth in this section shall be sent to the department of revenue. The department of**
28 **revenue shall distribute these moneys annually to the schools of the county in the same**
29 **manner that proceeds of all fines collected for any breach of the penal laws of this state are**
30 **distributed.**

31 **4.** An addendum to the annual financial report submitted to the state auditor under
32 section 105.145 by the county, city, town, or village that has chosen to have a municipal court
33 division shall contain an accounting of:

34 (1) Annual general operating revenue [~~as defined in section 479.350~~];

35 (2) The total revenues from fines, bond forfeitures, and court costs for municipal
36 ordinance violations and minor traffic violations occurring within the county, city, town, or
37 village, including amended charges from any municipal ordinance violations and minor traffic
38 violations;

39 (3) The percent of annual general operating revenue from fines, bond forfeitures, and
40 court costs for municipal ordinance violations and minor traffic violations occurring within the
41 county, city, town, or village, including amended charges from any charged municipal ordinance
42 violations and minor traffic violation, charged in the municipal court of that county, city, town,
43 or village; and

44 (4) Said addendum shall be certified and signed by a representative with knowledge of
45 the subject matter as to the accuracy of the addendum contents, under oath and under the penalty
46 of perjury, and witnessed by a notary public.

47 [~~4-~~] **5.** On or before December 31, 2015, the state auditor shall set forth by rule a
48 procedure for including the addendum information required by this section. The rule shall also
49 allow reasonable opportunity for demonstration of compliance without unduly burdensome
50 calculations.

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