



Legislation Details (With Text)

File #: 230852 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 9/20/2023 **In control:** Council
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Title: Sponsor: Director of the Municipal Court

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-1491, 2-1492, 2-1493, 2-1494 and 2-1496, enacting in lieu thereof new sections of like numbers and subject matters, and repealing Sections 2-1495 and 2-1498, for the purpose of updating the ordinances governing the duties of the Clerk of the Municipal Court, sometimes called the Court Administrator.

Sponsors: Director of Municipal Court

Indexes:

Code sections:

Attachments: 1. Municipal Court Ordinance Sections Docket Memo, 2. 230852com, 3. Authenticated Ord 230852

Date	Ver.	Action By	Action	Result
10/12/2023	1	Council	Passed	Pass
10/10/2023	1	Special Committee for Legal Review	Adv and Do Pass	Pass
9/28/2023	1	Council	referred	

ORDINANCE NO. 230852

Sponsor: Director of the Municipal Court

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-1491, 2-1492, 2-1493, 2-1494 and 2-1496, enacting in lieu thereof new sections of like numbers and subject matters, and repealing Sections 2-1495 and 2-1498, for the purpose of updating the ordinances governing the duties of the Clerk of the Municipal Court, sometimes called the Court Administrator.

WHEREAS, updates to the ordinances governing the duties of the Court Administrator are required to reflect the current responsibilities of the Court Administrator; and

WHEREAS, Section 479.080.1, RSMo, prescribes that in the prosecution of violations of municipal ordinances before a municipal judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the municipal treasury; and

WHEREAS, the duty of the Clerk of the Municipal Court to attend all session of the court should permit designees as the Municipal Court is comprised of multiple courtrooms holding court simultaneously; and

WHEREAS, the retention, transfer and destruction of all records of courts in the State of Missouri are governed by Missouri Supreme Court Operating Rules; and

WHEREAS, the duties of the Clerk of the Municipal Court do not include sending executions and

statements of fines to the chief of police, as the court does not hold persons in custody for non-payment, and further, the previously-referenced Section 2-1456 was repealed on October 1, 2020 by Ordinance No. 200690; and

WHEREAS, duties of the Clerk of the Municipal Court include the receipt and proper recording of all monies paid into the Municipal Court, not only fines; and

WHEREAS, the duties of the Clerk of the Municipal Court no longer include the handling of witness fees in condemnation case, or the management of those persons incarcerated in the municipal jail; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Sections 2-1491, Duties generally, 2-1492, Preservation of complaints, 2-1493, Executions, 2-1494, Receipt of fines, 2-1496, Payment of moneys collected to treasurer; reports to treasurer, and enacting in lieu thereof a new sections of like number and subject matter, to read as follows:

Sec. 2-1491. Duties generally.

The clerk of the municipal court, or their designee, shall attend all sessions of the court, keep all records thereof, prepare and issue writs and other necessary papers, collect all fines and costs, taking proper receipts therefor, and assist the judge whenever requested in any and all duties pertaining to such office.

Sec. 2-1492. Preservation of records.

The clerk of the municipal court shall carefully preserve all records of the municipal court as prescribed by the Missouri Supreme Court Operating Rules.

Sec. 2-1493. Executions and Commitments.

The clerk of the court shall have executions and commitments prepared for the Administrator of Corrections and shall do whatsoever else is necessary for the speedy delivery of all persons convicted in the court into the custody of the Administrator of Corrections, who shall confine such persons as provided by law.

Sec. 2-1494. Receipt of moneys.

The clerk of the municipal court shall receive all moneys paid into the municipal court for cases pending in the municipal court. All funds shall be properly recorded as provided by law.

Sec. 2-1496. Additional Costs.

(a) The Clerk of the Municipal Court shall pay to the City Treasurer not less frequently than monthly all moneys collected by them from fines, penalties and other sources, except money on deposit pending the perfecting of any appeal, and also bond money declared forfeited.

(b) At the time of making payment to the City Treasurer, the Clerk shall prepare a full and complete statement of all moneys collected by them since the filing of their last previous statement.

Section 2. That Chapter 2, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 2-1495, Payments on fines of persons committed, and Section 2-1498, Commitment records.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney