

SENATE BILL NO. 322

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0083S.03I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 479.353, RSMo, and to enact in lieu thereof one new section relating to failure to appear in court for certain 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Section A. Section 479.353, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 479.353,
3 to read as follows:

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

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

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

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

16 (2) The court shall not sentence a person to
17 confinement, except the court may sentence a person to
18 confinement for any violation involving alcohol or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 controlled substances, violations endangering the health or
20 welfare of others, or eluding or giving false information to
21 a law enforcement officer;

22 (3) A person shall not be placed in confinement for
23 failure to pay a fine unless such nonpayment violates terms
24 of probation or unless the due process procedures mandated
25 by Missouri supreme court rule 37.65 or its successor rule
26 are strictly followed by the court;

27 (4) **After a person has failed to appear at a scheduled**
28 **court appearance for a minor traffic violation or municipal**
29 **ordinance violation, the court may issue a capias warrant**
30 **unless within ten days of the missed court appearance, good**
31 **cause is shown for such nonappearance;**

32 (5) Court costs that apply shall be assessed against
33 the defendant unless the court finds that the defendant is
34 indigent based on standards set forth in determining such by
35 the presiding judge of the circuit. Such standards shall
36 reflect model rules and requirements to be developed by the
37 supreme court; and

38 [(5)] (6) No court costs shall be assessed if the
39 defendant is found to be indigent under subdivision [(4)]
40 (5) of this section or if the case is dismissed.

41 2. If an individual has been held in custody on a
42 notice to show cause or an arrest warrant for an underlying
43 minor traffic violation, the court, on its own motion or on
44 the motion of any interested party, may review the original
45 fine and sentence and waive or reduce such fine or sentence
46 if the court finds it reasonable given the circumstances of
47 the case.

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