

PIKE COUNTY ORDINANCE 11-04
AN ORDINANCE TO ADOPT THE PROVISIONS OF 488.5026, RSMO.

Pursuant to the authority of 488.5026, RSMo, the Pike county Commission enacts this Ordinance to assess costs for the purposes authorized by that statute.

A surcharge of two dollars (\$2.00) shall be assessed as costs in each court proceeding filed in the Circuit Court of Pike County, Missouri, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the State, including infractions; except that no such fees shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the State of County. A surcharge of two dollars (\$2.00) shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

The moneys collected by clerks of the courts pursuant to the provisions of the Ordinance shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the Treasurer of Pike County.

The Treasures of Pike County shall deposit funds generated by this Ordinance into the "Inmate Security Fund." Funds deposited shall be utilized to develop biometric identification systems to insure that inmates can be properly identified and tracked within the Pike county Detention Center. Once installed, this fund may be used for maintenance of the biometric verification system, and to pay any expenses related to custody and housing and other expenses for prisoners.

This Ordinance is accepted and enacted by the undersigned Pike County Commissioners and shall become enforceable immediately upon its enactment this ____ day of February, 2011.

Dan Miller, Presiding Commissioner

Curt Mitchell, Eastern Commissioner

Roy Sisson, Western Commissioner

Attest:

Sworn before me this ____ day of February, 2011 by the Pike County Commissioner

Bob Kirkpatrick, County Clerk

Missouri Revised Statutes

Chapter 488 Court Costs Section 488.5026

August 28, 2010

Two dollar surcharge for all criminal cases, funds to be deposited in inmate security fund.

488.5026. 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund". Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Upon the installation of the biometric verification system, funds in the inmate security fund may be used for the maintenance of the biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners.

(L. 2003 S.B. 5, A.L. 2004 H.B. 1179)

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Missouri Revised Statutes

Chapter 488 Court Costs Section 488.010

August 28, 2010

Definitions.

488.010. As used in sections 488.010 to 488.020* and section 488.005**, the following words and phrases shall mean:

- (1) "Court costs", the total of fees, miscellaneous charges and surcharges, imposed in a particular case;
- (2) "Fees", the amount charged for services to be performed by the court;
- (3) "Miscellaneous charges", the amounts allowed by law for services provided by individuals or entities other than the court;
- (4) "Surcharges", additional charges allowed by law which are allowed for specific purposes designated by law.

(L. 1996 S.B. 869 § 514.015 subsec. 1)

*Original rolls contain "section 514.015" which was changed to effectuate the court cost bill.

**Original rolls contain "section 514.005" which was changed to effectuate the court cost bill.

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Missouri Revised Statutes

Chapter 488 Court Costs Section 488.020

August 28, 2010

Collection of court costs, when, how.

488.020. Except as otherwise provided by law, all court costs are payable prior to the time the service is rendered; provided that if the amount of such court cost cannot be readily determined, then the clerk shall collect a deposit based upon the likely amount of such court cost, and the balance of such court cost shall be payable immediately upon ascertainment of the proper amount of said court cost. An official may refuse to perform any service in any action or proceeding, other than a criminal proceeding or when costs are waived as provided by law, until the court costs are paid. Failure to collect the court cost shall not affect the validity of the court cost or service. The supreme court may provide by rule for imposition of interest on any court costs not paid within thirty days of when due. If any court cost is not paid when due, the following actions may be taken:

- (1) Upon notification by the court or clerk to the party from whom the court cost is due or such party's attorney, and upon the failure to pay the court cost after such notice, the court may dismiss the action or any claim by the defaulting party which is part of the action, without prejudice to the party;
- (2) The court may refuse to enter any order or judgment in favor of the defaulting party, or if within the time period allowed by law before the order or judgment is final, may withdraw such order or judgment;
- (3) Upon notification to the party from whom the court cost is due, and upon failure to pay the fee after such notice, the court may inform the office of administration of any delinquencies in excess of twenty-five dollars. Upon receiving such notice, and without further notice by the office of administration to the defaulting party, the office of administration shall deduct the amount of unpaid court costs from any payment by the state to the defaulting party under any provision of law. The office of administration shall transmit the amount set off to the court, and shall send the excess amount to the payee, with a notice that the remainder of the refund was transmitted to the court in satisfaction of all or part of the unpaid court costs. The office of administration and its officials and employees shall not be liable to any person for any action taken in accordance with the requirements of this subdivision. Any proceeding contesting any action taken by a court or the office of administration pursuant to this subdivision shall be brought in the court which certified such unpaid fees to the office of administration, and shall be deemed ancillary to the proceeding for which such unpaid fees were assessed. No appearance, responsive pleading or discovery shall be due from the office of administration in such proceeding except upon order of the court;
- (4) Upon notification to the party from whom the fee is due, a failure to pay the fee after such notice, and a showing of the party's ability to pay the fee, the court may hold the party in contempt.

(L. 1996 S.B. 869 § 514.015 subsec. 9, A.L. 1997 S.B. 248)

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