

Bill No. _____

Ordinance No. _____

AN ORDINANCE AMENDING SECTION 140.250 OF THE CODE OF ORDINANCES OF THE CITY OF HAZELWOOD, MISSOURI, TO INCREASE THE SURCHARGE FOR CRIME VICTIMS COMPENSATION AND PROVIDE FOR COLLECTION OF CERTAIN PAYMENTS TO THE SPINAL CORD INJURY FUND PURSUANT TO STATE LAW.

WHEREAS, by the passage of C.C.S.H.S.S.S.C.S.,S.B. 267 the Missouri General Assembly amended Sec. 595.045, RSMo. 2000 to increase the surcharge assessed as court costs to be collected for deposit to the Crime Victims Compensation Fund of the State of Missouri, effective August 28, 2001; and

WHEREAS, by the passage of C.C.S.2 S.C.S.H.C.S. HB 302 and 38 the Missouri General Assembly enacted a new statute, Section 304.027 R.S.Mo. Supp 2001, to authorize judgments against persons convicted of intoxicated-related offenses in favor of the Spinal Cord Injury Fund; and

WHEREAS, the passage and adoption of such legislation applies to certain cases in the municipal court of the city; and

WHEREAS, the city is required to bring its municipal code provisions relating to such matters into conformity with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:

Section One.

Section 140.250 of Chapter 140 of the Code of Ordinances of the City of Hazelwood, Missouri, is hereby amended by the repeal of subsection (B)(4) and the enactment of a new subsection (B)(4) in lieu thereof, and the addition of one new subsection, initially to be designated as subsection (B)(17), to read as follows:

CHAPTER 140: MUNICIPAL COURT

SECTION 140.250: COURT COSTS

[Note: Except for the change specifically delineated herein, all other portions of this Chapter and Section, and the balance of the Municipal Code of the City of Hazelwood, Missouri, shall remain in full force and effect.]

[B. *In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as Court costs the following:*]

* * *

4. There shall be assessed to each defendant who pleads guilty, or is found guilty, in each case filed in the City of Hazelwood Municipal Court, for violation of any ordinance of this City, an additional surcharge for the Crime Victims' Compensation Fund, in the amount of seven dollars and fifty cents (\$7.50), provided that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by this Court. Such surcharge shall be collected by the Clerk of the Court. All sums collected pursuant to this Subsection shall be distributed as follows:
 - a. Ninety-five percent (95%) of such sums shall be forwarded to the State of Missouri for deposit to the Crime Victims' Compensation Fund as provided in Section 595.045, RSMo.
 - b. Five percent (5%) of such sums shall be paid to the City Treasury.

* * *

17. Any person who is convicted of driving while intoxicated, driving with an excessive blood alcohol content or driving under the influence of alcohol or drugs, when the defendant is represented by or has waived the right to an attorney, shall have a judgment entered against the defendant in favor of the spinal cord injury fund, in the amount of twenty-five dollars. The judgments collected pursuant to this section shall be paid into the state treasury to the credit of the spinal cord injury fund created pursuant to Section 304.027 RSMo

Section Two.

Bill No. _____

Ordinance No. _____

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Three.

This Ordinance shall be in full force and effect from and after the date of its passage.

**PASSED BY THE CITY COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, THIS
____ DAY OF _____, 2001.**

T. R. Carr - Mayor
City of Hazelwood, Missouri

Attest:

Colleen Klos - City Clerk
City of Hazelwood, Missouri

APPROVED AS TO FORM:

Kevin M. O'Keefe - City Attorney
City of Hazelwood, Missouri