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Attorney General Schmitt Argues Court Should Allow Enforcement of Senate Bill 5 Provisions in St. Louis County

JEFFERSON CITY, Mo. – Missouri Attorney General Eric Schmitt today filed a motion in the Cole County Circuit Court, arguing that because of a recent Missouri Supreme Court ruling, the Attorney General’s Office should be allowed to enforce certain Senate Bill 5 provisions. Those provisions impose a more stringent 12.5% cap on revenue collected from fines and fees and require minimum standards for municipalities in St. Louis County.

The motion filed in *City of Normandy v. Parson*, which can be [found here](#) (not file stamped FYI), argued that because of a recent Missouri Supreme Court ruling, the Circuit Court’s 2016 judgment barring the Attorney General from enforcing Senate Bill 5 provisions that apply in St. Louis County should be partially vacated and the court should grant relief from the court’s previous permanent injunction.

“Law enforcement officers should be focused on protecting the citizens they serve, not continually writing tickets for the sake of generating revenue. When I was a State Senator, I worked to pass Senate Bill 5 to ensure that citizens were not being subjected to taxation by citation to fill municipal government coffers - a practice that was egregious in St. Louis County,” said Attorney General Schmitt. “Now, as Missouri’s Attorney General, it’s my duty to enforce Senate Bill 5 and accompanying provisions. The Missouri Supreme Court reversed its ruling in the City of Normandy case, clearing the way for the Cole County Circuit Court to do the same. It’s time ensure that the citizens of St. Louis County aren’t being subjected to taxation by citation.”

Due to the unique structure of St. Louis County and because the issue of taxation by citation was particularly rampant in St. Louis County, one Senate Bill 5 provision ([479.359.2](#)) enforced more stringent revenue caps on collection from tickets and fines on St. Louis County – 12.5%

in St. Louis County compared to 20% elsewhere in the state.

The motion states, “St. Louis County had 81 municipal courts in 2014, and 21 municipalities in St. Louis County earned over 20 percent of their revenue from citations during that time period—including 14 municipalities for whom fines and fees were the *principal* source of revenue.”

Additionally, according to the Department of Justice’s Ferguson investigation, “Ferguson, with a population 21,000, had issued ‘approximately 90,000 citations and summonses for municipal violations’ in four years.”

A second Senate Bill 5 provision ([67.287](#)) also dictated that counties “with a charter form of government” and “more than 950,000 inhabitants” must reform their police departments and municipal courts to meet certain “minimum standards.”

When Senate Bill 5 was enacted, several municipalities filed suit challenging the two provisions mentioned, including a special laws challenge. The Cole County Circuit Court’s judgment in the case barred the enforcement of both provisions, stating that both are unconstitutional special laws.

The Missouri Supreme Court initially affirmed the Cole County Circuit Court’s ruling that both provisions are unconstitutional special laws.

On December 24, 2019, the Missouri Supreme Court reversed its initial decision relating to the two Senate Bill 5 provisions.

The motion filed by the Attorney General’s Office argues that because of the Missouri Supreme Court’s reversal, the Cole County Circuit Court should not bar the enforcement of both Senate Bill 5 provisions in St. Louis County.