

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
MUNICIPAL DIVISION, CITY OF VALLEY PARK

WHEREAS, the Governor of the State of Missouri has signed Senate Bill 5 (2015) into law, and its provisions relating to municipal courts and minor traffic violations go into effect on August 28, 2015; and

WHEREAS, the Missouri Supreme Court has ordered changes in Rule 37.65 effective July 1, 2015 regarding failure to pay fines; and

WHEREAS, the Court is mindful of the significant administrative tasks which the Municipal Court staff must now undertake to properly classify and account for minor traffic violations under Senate Bill 5; and

WHEREAS, the Court believes it will be less administratively burdensome to address some aspects of Senate Bill 5 and revised Rule 37.65 simultaneously as to all of its pending cases rather than conducting a case-by-case review, to the extent allowed by law;

NOW THEREFORE, THE MUNICIPAL JUDGE OF THE CITY OF VALLEY PARK, ENTERS THE FOLLOWING ORDER:


ORDER

As of the effective date of this Order, court staff is instructed to take the following actions with regard to cases currently pending in the City of Valley Park Municipal Court:

- For cases in which the Director of Revenue has suspended a defendant's driver's license pursuant to § 302.341, RSMo. and such suspension remains in effect, the Court shall request the Department of Revenue to set aside the suspension pending final disposition. The time frame of the complete removal of all FACT suspensions as issued by the City of Valley Park is subject to the time discretion of the Missouri Department of Revenue's process for said removal.
- For all cases in warrant status in which the defendant has pled guilty or been found guilty, the Court has assessed a fine, and such fine remains unpaid, the Court shall withdraw the warrant, assign the case to a regular docket, and, pursuant to Rule 37.65, mail to the defendant's last known address a summons and an order to show cause why the defendant should not be held in contempt of court for failure to pay. The Court shall conduct a review of such cases as the individual defendants appear before the Court, wherein the Court will consider alternate dispositions, including payment plans, community service, and/or commuting fines for indigent defendants.
- All pending charges for violating §135.280 of the Municipal Code of the City of Valley Park (failure to appear in the municipal court) are dismissed *sua sponte* by the Court. No court costs shall be assessed. The original charges giving rise to the failure to appear charge shall remain pending, if not previously disposed. Failure to appear charges as previously assessed shall be reviewed by the court on a case by case basis.
- All active arrest warrants prior to the effective date of this order shall be withdrawn. Cases which the City wishes to continue pursuit of prosecution shall be docketed on future court dates and a summons shall be mailed to the last known address as filed with the Court.

If a defendant fails to appear on his or her court date after receiving an order to show cause, and such notice is not returned to the Court as not deliverable, the Court may issue a warrant for the defendant's arrest, and/or report the defendant's case to the Department of Revenue in accordance with § 479.356, RSMo. to seek a setoff of such defendant's income tax return.

SO ORDERED this 25th day of July, 2015:


Municipal Judge, the City of Valley Park