COUNCIL BILL NO. 2015-005 ORDINANCE NO. _____

AN ORDINANCE amending Subsection (b) of Sec. 42-39 of Chapter 42, Courts, Article II., Municipal Court, for the purpose of making certain changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That subsection (b) of Section 42-39 "Imposition of sentence, conditions of probation; compensation of victims; free work, public or charitable." of the Joplin City Code is hereby stricken.

Section 2. That a new subsection (b) of Section 42-39 "Imposition of sentence, conditions of probation; compensation of victims; free work, public or charitable." of the Joplin City Code is hereby enacted as follows:

(b) The judges of the municipal division (municipal court) in Joplin, Missouri may place a defendant on probation for the violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to insure that the court will be aware of any further law violations. When a defendant is placed on probation, he/she shall be given a certificate explicitly stating he conditions on which he/she is being released. Persons found guilty or pleading guilty to ordinance violations and placed on probation by the municipal court judges may be assessed by the court a service fee to the municipal court in the amount of $50.00 to pay the cost of their probation supervision provided by a probation or compliance officer employed by the city. Persons found guilty or pleading guilty to ordinance violations for nonpayment of a fine or forfeiture, or contempt of court and granted work release while serving sentence may be assessed by the court a jail administration fee of $25.00 plus $7.00 per day. Persons found guilty or pleading guilty to ordinance violations and placed on electronic monitoring while serving sentence may be assessed by the court a jail electronic monitoring fee of $50.00 plus $12.00 per day. The court may exempt a person from all or part of the foregoing fee if it finds any of the following factors to exist:

(1) The offender has diligently attempted, but has been unable, to obtain employment which provides him sufficient income to make such payments;

(2) The offender is a student in a school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the education institution in which the offender is enrolled;

(3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court;

(4) The offender's age prevents him from obtaining employment;

(5) The offender is responsible for the support of dependents, and the payment of such fee constitutes an undue hardship on the offender;

(6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or

(7) The offender has been transferred outside the state under an interstate company adopted pursuant to law.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2015.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin,
City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards,
City Attorney