

**CITY OF JOPLIN  
COUNCIL AGENDA ITEM**

**ITEM**

Council Bill No. 2021-006 amending Chapter 42 - Courts, Division 1- Generally, Section 42-35 - Court costs and other fees, by repealing subsection (j).

**MEETING DATE**

July 6, 2021

**ORIGINATING DEPT**

City Attorney

**ATTACHMENTS**

Council Bill No. 2021-006

**REVIEWED BY**

City Attorney: Peter Edwards; Court Administrator: Lamonte Ratcliff; City Manager: Nick Edwards

**SUMMARY**

This Council Bill amends Chapter 42 – Courts, Division 1 – Generally, Section 42-35 – Court costs and other fees, by repealing subsection (j), which assesses a \$3 Municipal Court fee for the Sheriffs’ Retirement Fund.

**BACKGROUND**

The General Assembly created the Sheriffs’ Retirement Fund in 1983 and requires a \$3 court cost to pay for the fund. On April 17, 2013, the Attorney General issued Opinion No. 20-2013, stating that the law was applicable to municipal courts. Following Opinion No. 20-2013, the City amended Section 42-35 to add subsection (j) to collect the fee. On June 1, 2021, the Missouri Supreme Court held the fee to be unconstitutional as applied to municipal courts because it was not “reasonably related to the expense of the administration of justice” in *Fowler v. Missouri Sheriffs’ Retirement System*, No. SC98484 (Mo. 2021). This Council Bill will make the City Code compliant with this decision.

**FUNDING SOURCE**

N/A

**RECOMMENDATION**

Staff recommends adoption of this Council Bill on first reading.

COUNCIL BILL NO. 2021-006

ORDINANCE NO.

AN ORDINANCE amending Chapter 42 – Courts, Division 1 – Generally, Section 42-35 – Court costs and other fees, by repealing subsection (j).

WHEREAS, the General Assembly created the Sheriffs’ Retirement Fund in 1983 and requires a \$3 court cost to pay for the fund; and,

WHEREAS, on April 17, 2013, the Missouri Attorney General’s Office issued Opinion No. 20-2013, stating that the law was applicable to municipal courts; and,

WHEREAS, following Opinion No. 20-2013, the City amended Section 42-35 to add subsection (j) to collect the fee; and,

WHEREAS, on June 1, 2021, the Missouri Supreme Court held the fee to be unconstitutional as applied to municipal courts because it was not “reasonably related to the expense of the administration of justice” in *Fowler v. Missouri Sheriffs’ Retirement System*, No. SC98484 (Mo. 2021); and,

WHEREAS, this Council Bill will make the City Code compliant with this decision.

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

Section 1. That Chapter 42 – Courts, Division 1 – Generally, Section 42-35 – Court costs and other fees, subsection (j) is repealed.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Ryan D. Stanley, Mayor

ATTEST:

\_\_\_\_\_  
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

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Peter C. Edwards, City Attorney