



SAINT LOUIS COUNTY

Municipal Court

GENERAL MUNICIPAL DIVISION OPERATING ORDER

Effective Date- April 27, 2024

A. This Court Operating Order compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016 and last amendment effective June 1, 2021, including relevant sections of Supreme Court Rule 37.04, entitled “Supervision of Courts Hearing Ordinance Violations,” including Appendix A, the Minimum Operating Standards for Missouri Courts: Municipal Divisions (“**MOS**”). The term “Municipal Division” shall be referred to herein as “Court.”

B. This Order is intended to include in one consolidated Court Order, such relevant statutes, rules and standards, to provide for and achieve procedural fairness, order and convenience for those who appear before this Court. This Order is intended to apply, as is appropriate to do so to abide by the law imposed on the Court, to all Court personnel, officers of the Court, attorneys, and litigants, including without limitation the Judge, Court Administrator, Clerks of Court, Bailiff, and security personnel.

C. This Order is not intended to supersede, supplant, or alter any Missouri Supreme Court Rule, including the MOS, or any local circuit court rule adopted which governs the operations of a municipal division and reporting obligations.

PART I – ADMINISTRATION OF MUNICIPAL DIVISION

A. General Administrative Procedures.

1. General Duties of Court Administrator. The Court Administrator shall ensure that the Court complies with all applicable laws, rules, and local ordinances applicable to the operations of the Court.

2. Case Numbering and Case Indexing. Case index records shall be maintained on all municipal cases. Judgment index records shall be maintained on all municipal judgments. Case indexes shall be maintained for each case filed, including traffic or non-traffic violations. The index shall include the full name of the defendant, case number, date

the case was filed with the court, and the case disposition. This includes all legacy systems.

3. Violation Bureau. The Administrative Judge, at the beginning of their term shall, make the determination to order the adoption of or continue the use of the Violations Bureau. Adoption and practice of the Violations Bureau shall be in accordance with SCR 37.49 and 37.495.

4. Budget. The Court Administrator shall communicate regularly with the Administrative Judge and the County Performance Management & Budget regarding any budget issues involving the Court's budget. The Court Administrator shall work with the County Performance Management & Budget for the purpose of the revenue calculations required by law.

5. Advising Litigants of Their Rights in Court. The Court Administrator shall ensure that defendants are advised of their rights during court sessions, pursuant to rule, including a "Notice of Rights in Municipal Court" brochure available to the public as approved by the Supreme Court.

6. Compliance with Reporting. The Court Administrator shall ensure that all reporting requirements are met in accordance with rule and law.

B. Reporting Records of Conviction and Intoxicated-Related Offenses of the Municipal Division.

1. Required Electronic Reporting. The Court Administrator shall ensure the accuracy of data entered into the automated case management system so that OSCA can automatically extract required reporting information to electronically report such information.

2. Reporting Records of Conviction to the Department of Revenue (DOR). The Court Administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while driving a commercial motor vehicle, including commercial driver's license holders driving a personal vehicle, to DOR. The Court Administrator shall ensure that the disposition is entered into the statewide case management system within seven (7) days of the disposition.

3. Reporting Dispositions to the Missouri State Highway Patrol (MSHP) (i.e.- "Fingerprint Cards"). The Court Administrator shall report to the MSHP the dispositions any violations of municipal ordinances involving alcohol or drug related driving offenses or any violations deemed to be "comparable ordinance violations" as defined by Section 43.503

RSMo and as listed in the Missouri State Charge Code Manual. The Court Administrator shall ensure entry of the Offense Cycle Number (OCN/"Fingerprint Card") into the statewide case management system 30 days of case disposition.

4. Reporting Intoxication-Related Traffic Offenses to Circuit Court en Banc. The Court Administrator shall prepare the Municipal Division Monthly Summary Reporting Form report twice annually, which shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed, or pending in that Court. The Court shall submit the said report to the Circuit Court en Banc. The report shall include the six-month period beginning January 1st and ending June 30th and the six-month period beginning July 1st and ending December 31st of each year. The report shall be submitted to the Circuit Court en Banc no later than sixty (60) days following the end of the reporting period. Judges of the court shall attach the same report to the certification of the MOS to the Presiding Judge in September of each year.

5. Reporting to OSCA and MSHP (Intoxication-Related Traffic Offense Written Policy). The Court Administrator shall provide a signed copy of this Order to the MSHP and OSCA at the addresses shown below. If any revisions are made to this Order, the Court Administrator shall provide a revised copy to the MSHP and OSCA. Addresses and facsimile numbers where copies shall be sent are:

Office of State Courts Administrator
Attention: Court Services Division, DWI Reporting Policy
P.O. Box 104480
2112 Industrial Drive
Jefferson City, Missouri 65110
Fax: 573-522-5961

Missouri State Highway Patrol
Criminal Justice Information Services Division
P.O. Box 9500
Jefferson City, Missouri 65102
Email: mshpcjis@mshp.dps.mo.gov

PART II – ORDERS REGARDING OPEN COURT AND EXCEPTIONS

A. General Rule.

1. Court Shall be Open to the Public. The courtroom shall be open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys. The Court Administrator and Judges should take reasonable steps if it appears that longer hours or additional court dates are required to meet this provision.

The following are limited exceptions to General Rule 1:

1. **Disruptive Persons.** If any person attending a court session becomes disruptive in any manner, including, but not limited to, talking in anything other than a respectful whisper, creating other noise, not remaining seated, or in any other way becoming disruptive as observed by court personnel, that person be cautioned by the Judge, and if the offensive conduct is not immediately corrected, removed from the courtroom by order of the judge. The defendant may be allowed to stay outside until the Judge permits re-entry to take up defendant's case.

2. **Persons under the Clear Influence of Alcohol or Drugs.** If any person attending a court session appears to be clearly under the influence of alcohol and/or drugs, that person shall be asked to leave the courtroom. The defendant shall be asked to remain outside the courtroom for determination by the judge whether to continue the matter or take other action. If the affected person is not a defendant or witness in a trial, that person shall be removed from the courtroom.

3. **Appropriate Attire.** When a person in court and does not meet any published dress code adopted by the Court, the judge may require that said person leave the courtroom until such time as the person is appropriately dressed to meet the dress code.

4. **Overcrowding in Violation of the Fire Code.** In the event of large attendance, Bailiffs and court security shall count the persons present in the courtroom and shall limit access so as not to be in violation of the Fire Code. When it appears to the Division during any single Division session, that there will be more persons attempting to enter the courtroom than are permitted under the Fire Code, then the Court shall take such appropriate action as would be consistent with all legal and constitutional requirements.

5. **Children.** Subject to the right of the public of all ages to attend court, the Court may limit the presence of children unaccompanied by an adult. This shall not apply to persons under the age of seventeen (17) who are present in the courtroom as a defendant. For children sixteen (16) and under, the Division shall be open except as follows:

(a) When a child becomes noisy or will not remain seated, the parents or guardians of that child will be asked to remove said child or children. The bailiff or court security will ask that the defendant and children remain in the hallway or outside the courtroom until their name is called on the docket. At such time as the defendant's name is called, the bailiff shall summon the family, including children, who may then enter the courtroom for purposes of arraignment or other business with the Division.

(b) The Court may exclude children if the nature of a matter being heard maybe, in the Division's discretion, inappropriate for children.

2. **Opening of Court Doors.** Court personnel shall open the doors to the courtroom at least 30-minutes prior to the commencement of the Court's docket, unless a different order of the court shall specify otherwise.

3. **No Refusal of Entry.** Division personnel shall not refuse entry by any person, whether defendant or other person, except and unless such person shall be in violation of any published dress code, is acting in an inappropriate manner, or if such entrance would violate the Fire Code. Division personnel shall have the right to ask persons entering the courtroom if they are a defendant or visitor, but only for purposes of directing where to sit, or to mark a name off the docket. Division personnel shall have the right to check purses, camera bags, and similar items.

C. Closing of the Courtroom.

1. Other than closure to those persons as set forth in Part II, Section A, if the Judge, Prosecuting Attorney or defense counsel desires to close the courtroom during any particular motion or trial, the Court will conduct a brief hearing on whether to enter an order to close the proceedings.

General guidelines for such closure shall be as follows:

1. The proponent of closure must present a showing of a compelling interest for such closure and where that need is based upon a right other than the accused's right to a fair trial, the proponent must show a "serious and imminent threat" to that right.

2. Anyone present in the courtroom when the closure motion is made must be given an opportunity to object to the closure.

3. The proposed method for curtailing open access shall be in the least restrictive means available for protecting the threatened person's interest.

4. The Court will weigh the compelling interest of the proponent of closure and the public.

5. The order shall be no broader in its application or duration than necessary to serve its purpose.

D. Retention of Rights.

The Judge retains the right to post and enforce additional rules of conduct in order to maintain the integrity and decorum of the courtroom, that do not conflict with rule and law.

PART III – OTHER GENERAL RULES

A. Filings and Pleadings

1. The court shall remain open for the purpose of submitting filings and pleading electronically. Paper filings may be submitted in person during court business hours or via email to the Court’s general email address at any time. All filings made by an attorney shall be filed electronically.

2. The court may issue Administrative Orders regarding specific types of filings.

B. Access to Division Files

Members of the public, news media and attorneys of record shall have access to open court records in accordance with Supreme Court Operating Rule 2 and applicable provisions under Chapter 610 RSMo.

C. Access required by ADA

Pursuant to the American with Disabilities Act, this Division shall provide, based on expressed needs, auxiliary aids or services to interpret any proceeding for a person who is deaf or hard of hearing. This requirement applies to a person who is a party, juror, witness, spectator, or a juvenile whose parent, guardian or foster parent is deaf or hard of hearing if the juvenile is brought to any proceeding.

DATE: 4/30/24

SO ORDERED:



Daniel R. Brown
Administrative Judge