

**IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY, MISSOURI  
24th JUDICIAL CIRCUIT**

**MUNICIPAL DIVISION – THE CITY OF FARMINGTON**

**MUNICIPAL COURT OPERATING ORDER #2**

**Effective Date - January 28, 2016**

The Court, on its own motion, makes the following General Orders with respect to the administration of the Court, which shall apply unless otherwise specifically ordered by the Court:

- I. Defendants in municipal custody shall not be held more than 24 hours without a warrant after arrest.
- II. All defendants held on Farmington city warrants issued prior to August 28, 2015 shall be given an opportunity to be heard by the judge in person, by telephone or by video conferencing as soon as practicable and not later than 48 hours and, if not given that opportunity, must be released on the defendant's personal recognizance.
- III. The term "initial arrest warrant" as used in Section 479.360.1(1), RSMo, shall include the first warrant issued after sentencing has taken place even if a prior warrant was issued before sentencing.
- IV. The provisions of Section 488.5025, RSMo allowing the assessment of a \$25 fee on a time-payment basis shall not apply.
- V. For a violation to be considered by the court to be a minor traffic violation, the Department of Revenue must be authorized to assess between 1 and 4 points for the violation.
- VI. If an original charge for a minor traffic violation is amended to a non-minor traffic violation, the limitations on sentencing and confinement for minor traffic violations do not apply.
- VII. For sentencing that occurs on or after August 28, 2015 but regarding which the underlying violation occurred prior to August 28, 2015, court costs and fines shall be assessed using the amounts approved by the court on August 28, 2013.
- VIII. No payment plan shall be approved by the court until the defendant's Social Security number is obtained.
- IX. Any FACT suspension issued prior to August 28, 2015 on a minor traffic violation shall remain in effect.

- X. Any defendant wishing the court to consider whether or not the defendant is indigent must submit a financial statement on a form approved by the court. If a defendant is determined to be indigent, court costs will not be imposed and a reduced fine and lower regular payment amount will be considered. A determination of indigency will be based on the defendant's available financial assets and the defendant's income and also on the income of the defendant's spouse unless the defendant and the defendant's spouse are separated. If the defendant is under 18 years of age and a parent is supporting, or helping to support, the defendant, the income of each parent supporting, or helping to support, the defendant will also be considered. If a defendant is over 18 years of age but is a full-time student and is living at home, the parents' income shall also be considered. Indigency shall be based on the most recent Department of Health and Human Services Poverty Guidelines.
- XI. If a defendant requests a determination as to whether or not the defendant is indigent and the defendant has lost a job in the past three months and prior to losing that job the defendant did not meet the requirements for indigency, the matter may be continued for three months to see whether or not the defendant obtains new employment.
- XII. Whether indigent or not, any defendant may request that the court consider the defendant's financial situation when determining the amount of each payment under a payment plan. If such a request is made, the court may require the defendant to submit a financial statement on a form approved by the court. In determining the regular payment amount, the court will consider the income of the defendant, the defendant's spouse unless the parties are separated, and anyone else living with the defendant. If a defendant is under 18 years of age and a parent is supporting, or helping to support, the defendant, the parent's income shall also be considered. The defendant's assets will be considered. Current expenses will be considered if reasonable and necessary. Debts will be considered only if actual payments are being made.
- XIII. Any defendant may request that the court consider alternative community service as a condition of probation, as a sentencing option in lieu of a fine or imprisonment or both as authorized by law. The court may, in its discretion, order such alternative community service.
- XIV. Any defendant who has pled guilty, or been found guilty, and a fine has been imposed may request that the court allow some or all of the fine to be paid by engaging in community service. The court may, in its discretion, allow such community service and the defendant shall be given credit against the defendant's fines for each hour of community service performed at the minimum wage rate then in force in Missouri.

SO ORDERED:

DATE: \_\_\_\_\_

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Judge, City of Farmington