

BILL NO. 16-011

ORDINANCE NO. 4716

FIRST READING 06.07.2016

SECOND READING 06.21.2016

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 18, ARTICLE I, BY AMENDING SECTION 18-68, WITH RESPECT TO RIGHT TO COUNSEL IN MUNICIPAL COURT**

**WHEREAS**, the present ordinance with respect to right to counsel in municipal court allows a defendant to request transfer of a case to associate circuit court to permit appointment of counsel in that court, and

**WHEREAS**, section 600.042, RSMo does not authorize appointment of the public defender for violations of municipal ordinances, and

**WHEREAS**, the City of Hannibal is a constitutional Charter City of the State of Missouri and is authorized thereby under their reasonable police powers to promulgate such ordinances as they deem necessary and prudent, provided that such ordinances do not contravene state law, and

**WHEREAS**, section 479.260, RSMo authorizes an appointed counsel fund to provide payment for attorneys to represent defendants who may be facing incarceration, and

**WHEREAS**, the City Council of the City of Hannibal has determined that it is reasonable, necessary and prudent, for the fair dispensation of justice that the appointment of counsel is appropriate to represent persons who may be facing incarceration.

**NOW THEREFORE, the City Council makes the following amendment to CHAPTER 18, ARTICLE I, by amending SECTION 18-68(3) to replace the current SECTION 18-68(3).**

**SECTION ONE:** The city council hereby enacts CHAPTER 18, ARTICLE I, SECTION 18-68(3), as follows:

**18-68. RIGHT TO COUNSEL IN MUNICIPAL COURT**

(3) The offender may request appointment of counsel, which appointed counsel shall be paid by the City using the Appointed Counsel Fund, or such other funds as shall be appropriate.

*(State Law Reference, RSMo 600.042, RSMo 479.260 )*

**SECTION TWO:** It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City


Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

**SECTION THREE:** All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 21<sup>st</sup> day of June, 2016.

Approved this 21<sup>st</sup> day of June, 2016.

  
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James R. Hark, Mayor

**ATTEST:**

  
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Angelica N. Vance, MRCC - City Clerk