

BILL NO. 16-012

ORDINANCE NO. 4717

FIRST READING 06.07.2016

SECOND READING 06.22.2016

AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 18, ARTICLE I, BY ADDING SECTION 18-35, PROVIDING FOR A DEFENDER FUND AND AUTHORIZING CONTRIBUTIONS THERETO

WHEREAS, section 479.260, RSMo provides for each municipal court to establish an appointed counsel fund under the control of the municipal court .funded by the retention of one dollar of fees collected on each case, with a limit of five thousand dollars to be retained in said fund, 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, the funds retained in the appointed counsel fund may not be sufficient to pay reasonable fees approved by the court for the appointment of attorneys to represent defendants found by the judge to be indigent and unable to pay for legal representation, and

WHEREAS, the City Council of the City of Hannibal has determined that is reasonable, necessary and prudent, for the fair dispensation of justice that the creation of a separate defender fund is appropriate to supplement the appointed counsel fund, to permit contributions and to allow the judge of the municipal court to direct payments to said fund in appropriate cases.

NOW THEREFORE, the City Council makes the following amendment to CHAPTER 18, ARTICLE I, by adding SECTION 18-35:

SECTION ONE: The city council hereby enacts CHAPTER 18, ARTICLE I, SECTION 18-35 as follows:

18-35. DEFENDER FUND

1. To supplement the appointed counsel fund authorized by section 479.260, RSMo, the Council hereby creates a Defender Fund which is to be used to supplement the appointed counsel fund to pay reasonable fees approved by the court for the appointment of attorneys to represent defendants found by the judge to be indigent and unable to pay for legal representation.
2. The municipal judge is authorized to direct payments to said fund in appropriate cases.
3. Contributions to the Defender Fund may be authorized by this Council.

4. Community contributions to the Defender Fund may be accepted.

(State Law Reference, 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 21st day of June, 2016.

Approved this 21st day of June, 2016.


James R. Hark, Mayor

ATTEST:


Angelica N. Vance, MRCC - City Clerk