BOND POLICY AND PROCEDURES

EFFECTIVE ON JANUARY 23 , 2017

FOR THE MUNICIPAL DIVISION OF THE 13TH JUDICIAL CIRCUIT OF MISSOURI

FOR THE CITY OF COLUMBIA, MISSOURI

It is hereby ordered that the Bond Policy and Procedure Revision dated September 15, 2016 is hereby repealed effective immediately. This Bond Policy and Procedures order shall go into effect immediately upon the repeal of the policy dated September 15, 2016.

ARRESTS OF PERSONS PURSUANT TO WARRANT

1. Any City of Columbia or University of Missouri Police officer who has knowledge of a warrant issued by this court for the arrest of a person in their presence or custody for any reason is hereby ordered to transport all such persons to the Boone County Jail or other place of confinement designated by their Chief of Police unless execution of the warrant at that time constitutes an immediate danger to the officer or others or upon request the court has withdrawn or modified the conditions of release on the arrest warrant. Upon arrival at the place of confinement the arresting officer is hereby ordered to execute the warrant of this court for the arrest of the defendant by requiring the person in custody to execute a written bond which is in compliance with **Mo. S. Ct. Rule 37.F** entitled Bond or lodging the person into the custody of the Boone County Jail until the conditions for release set by the court are satisfied by the arrestee.

2. No police agency or police officer has the authority to change the terms or conditions of release set by this court on a warrant for the arrest of a person or the authority to release the defendant from custody without requiring the person to satisfy the conditions of release ordered by the court on the arrest warrant.

ARRESTS OF PERSONS THAT ARE NOT BASED ON A PRIOR WARRANT

It is further ordered that the City of Columbia and University of Missouri Police Departments shall refer to the following schedule in setting appearance bonds for defendants in custody prior to the defendant's first appearance in court.

A. Any person arrested for any ordinance violation, other than those listed in paragraph 3 below, shall be entitled to be released from custody pending trial. When an arrest is made without a warrant, the peace officer shall carry out the following bond policy:

1. ***The defendant shall be released upon his or her written promise to appear at a later date, unless the peace officer or the city prosecutor presents evidence to the court that:***

> ***a. The defendant's promise to appear alone is not sufficient to reasonably assure the appearance of the person, or***
>
> ***b. The person poses a danger to a crime victim, the community, or any other person.***

2. Upon oral or written application by a peace officer or city prosecutor the court will consider the factors listed in Mo. S. Ct. Rule 37.15(d) to determine whether paragraph A 1 (a) or (b) should apply and

if so, the court will then determine the least restrictive bond condition(s) that are necessary to assure the defendant's presence at future court proceedings or to protect crime victims, the community, or any other person. The Court will then issue a written order stating the conditions of release imposed and the conditions shall be given to the defendant by means of an approved bond form.

3. If the arrested person is in custody for a **Driving While Intoxicated or Driving with Excessive Blood Alcohol Content** ordinance violation:

a. The police officer or city prosecutor may release the arrestee on his written promise to appear in court by issuing a uniform citation to appear on the offense, **OR**

b. If the police officer or city prosecutor reasonably believes that a bond is necessary to ensure the defendant appears for court or reasonably believes the arrestee is currently a danger to the community or any other person based on facts such as a history of failure to appear in court, the circumstances of the present intoxication related arrest, and/or the present physical/mental condition of the arrestee the court hereby orders:

a. the arrestee shall be required to post a bond of FIVE HUNDRED DOLLARS ($500.00) SURETY OR CASH. See: **Mo. S. Ct. Rule** 37.17 (2004).

b. If the arrestee indicates that he/she does not have the present ability to post the bond set out above, the police officer or the prosecuting attorney shall immediately contact the court and the court shall determine a proper conditions for the arrestee.

4. Defendants held in municipal custody shall not be held more than twenty four (24) hours without a warrant after arrest.

5. Defendants in custody pursuant to an **INITIAL** arrest warrant issued by this court shall have an opportunity to be heard by a Municipal Judge in person, by telephone, or video conferencing as soon as practicable, and not later than forty-eight (48) hours on minor traffic violations and not later than seventy-two (72) hours on other violations, and if not, given that opportunity, are to be released from custody.

6. "**Minor traffic violation**", a municipal or county traffic ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess [no more than] one to four points to a person's driving record upon conviction. Minor traffic violation shall include amended charges for any minor traffic violation. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone;

7. Contact information for the Municipal Court Judge and the Associate Municipal Court Judges are as follows:

1. Cavanaugh Noce	874-7390; 815-9015; 424-5636
	Court: 874-7232 or 874-7298
2. Jack Morgan	H-441-0549 Cell- 289-3752

METHODS OF POSTING BONDS

UNSECURED BONDS

Personal recognizance bond: Defendant is released on his/her written promise to appear at all Court proceedings. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

Unsecured monetary bond: Defendant is released on his/her written promise to appear at all Court proceedings **AND** to pay to the Court the full amount of the monetary bond set by the court in the event he/she fails to appear as promised. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

CASH BONDS

1. Clerks shall accept only cash, certified check, money order or equivalent, personal check, or approved credit card for cash bonds. A personal check is acceptable for posting a cash bond **ONLY** under the following circumstances:

   a. Personal checks will be accepted from defendants **ONLY**. Personal checks **WILL NOT** be accepted as bond from a surety.

   b. Personal Checks must be drawn on a State of Missouri Bank.

2. When a cash bond is posted the receipt shall be made in the name of the defendant. Any money, certified check, money order or equivalent, credit card receipts, or personal check shall be considered by the court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, warrant fees, and any other related court costs ordered by the judge will be deducted from the cash bond before any money is refunded to the defendant or his assignee. A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party on the Bond Assignment Form set out in The Rules of the Circuit Court of the Thirteenth Judicial Circuit of Missouri.

3. Defendants should be advised that the bond receipt **MUST** be presented to the Municipal Court to get their bond returned after their case is concluded.

4. Auto Club (AAA) cards and Amoco Motor Club membership cards are acceptable as bond on traffic offenses only.

5. Credit Cards used for posting cash bonds while personally present at the City of Columbia Police Department or University of Missouri Police Department shall be processed through TrafficPayment .com.

SURETY BONDS

Municipal Court will accept the use of a Surety Company and Agent for appearance bonds if the Surety Company and Agent meet the qualifications set forth in Mo. Sup. Ct. Rule 37.32 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit.

All Compensated Sureties shall meet the qualifications set out by Mo. Sup. Ct. Rule 37.30 and 37.31. (2004).

Personal Sureties must post a cash bond **(personal checks are not acceptable)**. Personal Sureties must meet the following criteria as set forth in Mo. Sup. Ct Rule 37.29 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit:

A person shall not be accepted as a surety on any bail bond unless the person is reputable, at least 21 years of age and a resident of Missouri, and has net assets with a value in excess of exemptions at least equal to the amount of the bond that are subject to execution in the State of Missouri, and has not been convicted of any felony under the laws of any state or of the United States, and has no outstanding forfeiture or unsatisfied judgment, thereon entered upon any bail bond in any court of this state or of the United States.

A lawyer, or an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof shall not be accepted as a surety on any bail bond, except that, this disqualification shall not apply if the principal is the spouse, child or family member of the surety.

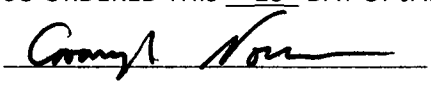
If there is more than one surety, the aggregate net worth of the sureties in excess of exemptions shall be at least equal to the amount of the bond.

NON-RESIDENT VIOLATOR COMPACT (NRVC)

Non-Resident violator compact procedures should be followed on traffic violators from member states. A list of Member States as of 5/9/06 are attached hereto:

When issuing a summons for a traffic violation, a motorist who possesses a valid operators license from a member state shall not be required to post a bond to secure appearance if the officer receives the motorist's signed personal assurance that he or she will comply with the terms of the summons. (544.046 **RSMo**.)

SO ORDERED THIS 23 DAY OF JANUARY, 2017.



CAVANAUGH NOCE

JUDGE OF THE MUNICIPAL DIVISION OF THE 13th JUDICIAL CIRCUIT

FOR THE CITY OF COLUMBIA, MISSOURI.

IT IS ORDERED THAT: The Municipal Court Clerk shall provide a copy of this Bond Policy to the Presiding Judge of the 13th Judicial Circuit of Missouri, to all other interested parties, and a copy shall be prominently displayed in the lobby of the Municipal Court Building per Rule 69.4 of the Mo. Ct. Rules for the 13th Judicial Circuit.