

**COURT EN BANC MINUTES
Tuesday, June 9, 2015, at 5:00 p.m.
Boone County Courthouse
Law Library**

Judges Present: Judges Christine Carpenter, Jodie Asel, Kevin Crane, Gary Oxenhandler, Deborah Daniels, Leslie Schneider, Carol England, Michael Bradley, Kimberly Shaw, Commissioner Sara Miller and City of Columbia Municipal Judge Robert Aulgur.

Others Present: Boone County Public Defender David Wallis, Boone County Circuit Clerk Christy Blakemore, Boone County Circuit Clerk Unit Manager Lana Brooks, Callaway County Circuit Clerk Judy Groner, Court Marshal Les Werner, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:00 p.m. by Judge Christine Carpenter.

2. Introduction of All Guests

Judge Christine Carpenter welcomed guests.

3. Approval of the May 12, 2015, Minutes

Judge Jodie Asel moved to accept the May 12, 2015, minutes. Second: Judge Michael Bradley. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Clerk

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to transfer records to the Boone County Historical Society as noted on page 6 of the Court en Banc's packet and to destroy by shredding the documents on page 7 of the Court en Banc's packet. Judge Leslie Schneider moved to approve the transfer and destruction of the records listed. Second: Judge Michael Bradley. The motion passed unanimously.

5. Courthouse Plaza

Judge Christine Carpenter reported she learned at a meeting last week for county office holders that the patio of Bleu is a separate piece of property from the restaurant. The patio measures approximately 40 feet by 140 feet and it has been purchased by developers whose architect did a power point presentation for county office holders showing different scenarios of the offices they plan to build in that space. The drawings included a nine story building with an entrance off of Walnut Street and the alley, a five

story building that is built out into air space into the courthouse plaza and a final option of buying an additional ten or fifteen feet from the county to have more space and only build five stories. They are also requesting to have an entrance off of the courthouse plaza. This building project is estimated to be fifteen months with cranes and other machinery needing to be on the plaza for nine months.

6. Boone County Courthouse Audit

Boone County Circuit Clerk Christy Blakemore reported the auditor is sending the first draft of the audit on June 15. A meeting with the state auditor is scheduled for June 24.

7. Requests to Release Individuals from the Hospital

Judge Deborah Daniels reported concerns for lack of a paper trail when someone is transferred to UMPC involuntarily and they also have pending criminal charges. She provided a handout with suggestions about creating a paper/electronic trail between the criminal case and what is happening in the probate case with the involuntary civil commitment. There was a discussion about using “furlough” and its definition in chapter 217, which indicates “furlough” applies after sentencing. Judge Daniels drafted suggested language to use for a docket entry for the criminal case and the probate case.

8. Municipal Court, SB 5

City of Columbia Municipal Court Judge Robert Aulgur provided an update on the provisions of Senate Bill 5. This is currently a truly agreed and finally passed bill that has not yet been signed by the Governor. He reviewed information regarding section 302.341, RSMo, that affects state and municipal courts regarding failure to pay, failure to appear suspension with the department of revenue in that this will no longer be available if the bill is signed as there is a provision that no longer applies to minor traffic violations as defined in section 479.350, RSMo. Judge Aulgur said section 479.155, RSMo, would require municipal divisions to report to the presiding judge of the circuit court on a regular basis on a standardized form developed by OSCA. Other changes noted in section 479.350 were the definitions of court costs and minor traffic violations. It appears there will only be \$12.00 court costs to the city for minor traffic violations as it excludes any fees disbursed to the state. The charts on page 8 and 9 of the Court en Banc’s packet highlighted what are currently defined as minor traffic violations. Minor traffic violations account for about 60% of the cases heard within the city’s municipal court. Judge Aulgur said section 479.360, RSMo, lists the nine state auditor certifications that each municipal judges must make yearly at the time their city does the Macks Creek Law report. One of the concerns noted in this section is being able to see defendants within 48 hours on minor traffic violations without having court on weekends. He also reported section 479.359, RSMo, requires courts to carve out minor traffic violations when determining the Macks Creek Law formula. Bond forfeitures would now be included in the Macks Creek figure. It should be known by the end of June if the bill is signed or not.

9. Legislative Update

Court Administrator Mary Epping reported the legislation to allow for a court marshal has not yet been signed however the bill regarding the funding for the Callaway County Court Marshal has been signed. She also reported on SB 321 that extends adult abuse protection orders for adults and children. The bill amends the definition of abuse, sexual assault and stalking. Mary handed out a Columbia Tribune article on the bill. The bill has not yet been signed by the Governor.

10. Number of Jurors

Court Administrator Mary Epping reported in Boone County for the summons sent out to jurors, about 85% of the pool appear, and in Callaway 80% appear. After a discussion, it was clarified that when a judge's order says a panel of 50 is called, this means the number ordered is the number the judge wants seated. Therefore, it is up to the jury supervisor to determine how many summons to send out so that the number seated equals what the judge has ordered. Should more jurors show than is needed to be seated, some jurors will be excused.

11. Youth Day

Court Administrator Mary Epping is on a committee for Disproportionate Minority Contact with the Juvenile Office which looks at the disproportionate number of contacts with minority youth. She said Boone County is the first or second highest in the state when looking at statistics. Commissioner Karen Miller challenged the Court to help disseminate information to inform the community regarding the numbers and what measures have been taken to better serve the youth in our community. Therefore, on August 8, the Court will be hosting an event for community members to attend where agencies will have booths to tell parents about services they provide to youth in our community. There will also be a short presentation in Commission Chambers to present on our numbers, information on alternatives, and programming at the Juvenile Justice Center. There is several community members involved in the planning. We are hoping to build positive relations between the community and law enforcement as well. Mary thanked Deputy Court Administrator Cindy Garrett for her work organizing this event.

12. Other

Judge Christine Carpenter said a group will be coming from Kansas City this summer to the Hearn Center to provide dental care free of charge. It will be on a first come, first serve basis.

Deputy Court Administrator Cindy Garrett advised a Memorandum of Understanding with the Columbia Public School District, Columbia Police Department, Boone County Sheriff's Department and Juvenile Court has been finally approved by all agencies.

13. Comments from the Public

None.

14. Next Meeting Date

The next meeting is scheduled for July 7, 2015, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library.

Meeting adjourned at 6:10 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping Distributed on: 7/2/15
Mary Epping
Court Administrator