

**AN ORDINANCE AMENDING: CHAPTER 215 REPUBLIC CITY CODE:
OFFENSES, ARTICLE III, OFFENSES CONCERNING ADMINISTRATION OF
JUSTICE, BY ADDING SECTION 215.105, FAILURE TO APPEAR.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF REPUBLIC,
MISSOURI, AS FOLLOWS:**

Section 1 - That Chapter 215 Republic City Code: Offenses, Article III, Offenses Concerning Administration of Justice, is amended by adding Section 215.105, Failure to Appear, which section shall read as follows:

Sec. 215.105. Failure to appear.

(a) It shall be unlawful for a person to fail to appear before the judge of the municipal court after having been ordered to appear by the judge or after having been issued a summons.

(b) It is presumed that notice to appear was given to the person if a written notice was issued by the municipal court clerk's office pursuant to state or local court rule or upon a docket entry showing that the person appeared personally before a judge of the court and was ordered to appear on a date recorded on the docket or that the person signed a notice to appear in the presence of staff of the municipal court clerk.

(c) It shall be unlawful for any person to fail to appear before the judge of the municipal court if the person has been released upon a recognizance or bond or pursuant to any other provision of law and at the time of release the person received notice of the date and time the person is required to appear in court.

(d) It shall be unlawful for any person to fail or refuse to obey a lawful subpoena, summons or order to appear issued by the municipal court of the city.

(e) Nothing in this section shall prevent the exercise by the judge of the municipal court of the judge's power to punish for contempt.

(f) Any person found guilty of violating this section shall be penalized in accordance with Section 100.220 of the Republic City Code. At sentencing, if the court determines that the defendant's failure to appear has caused substantial prejudice to the City's ability to prosecute a pending case, the court shall assess a minimum fine of \$200.00 or if probation is granted shall require completion of a minimum of 40 hours of community service.

Section 2: Penalty Clause. Any person found guilty of violating this ordinance shall be penalized in accordance with Section 100.220 of the Republic City Code.

Section 3: This ordinance shall be in full force and effect from and after passage.

NOTE: **Bold** is added language. ~~Strike through~~ is deleted.)

Passed and approved at a regular meeting of the Board of Aldermen of the City of Republic, Missouri, on this _____ day of _____, 2006.

Mayor, James H. Collins

ATTEST:

City Clerk, Brenda Jackson

Approved for Board Action: _____, City Administrator

Approved as to Form: _____, City Attorney