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COURT EN BANC MINUTES
Tuesday, April 17, at 5:00 p.m.
Boone County Courthouse
2nd Floor Law Library

Judges Present: Judges J. Hasbrouck Jacobs, Kevin Crane, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Michael Bradley, Leslie Schneider, Joshua Devine, Commissioner Sara Miller and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Boone County Circuit Clerk Unit Manager Sherry Seiling, Callaway County Circuit Clerk Judy Groner, Adult Court Services Supervisor Brandon Walker, Attorney Finley Gibbs, 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 Kevin Crane.

2. Introduction of All Guests

Judge Kevin Crane welcomed guests.

3. Approval of the March 6, 2018 Minutes

Judge Joshua Devine moved to accept the March 6, 2018, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously. Judge Jodie Asel asked if juvenile case representation by the public defender was discussed at the Jail Overcrowding meeting on April 17, 2018. Judge Leslie Schneider said she will continue to follow-up on this issue.

4. Destruction of Records

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 7 and 8 of the Court en Banc's packet. Judge Jodie Asel moved to approve the destruction of the records listed. Second: Judge Leslie Schneider. The motion passed unanimously.

5. Child Support Court

Judge Kimberly Shaw said the Focus on Fatherhood program has been implemented locally and they have an office on Providence Road. She said clients can be referred to the Focus on Fatherhood program. Assistant Prosecuting Attorney Steve Gunn said he is working on developing a policy manual for the program. He said the program will need consent to release records from participants. Steve said there are several community

agencies willing to participate. This topic will be further addressed at the May Court en Banc meeting.

6. Protocol for Presenting Exhibits

Judge Sue Crane arrived.

Judge Leslie Schneider said a uniform protocol has not been developed as the handling of exhibits varies between each judge. Boone County Circuit Clerk Christy Blakemore said the letter on page 9 of the Court en Banc's packet is sent to attorneys when they have presented exhibits during a trial. The letter indicates they have 10 days to respond or the exhibits will be disposed of. There was discussion about referencing the Supreme Court Operating Rule in the letter and noting the exhibits will be shredded if not picked up. There was also discussion about allowing 40 days to pick up the exhibits, which allows for the time period for the appeal process. Commissioner Sara Miller stated many pro se clients are transient and she is therefore concerned they would not receive the letter regarding exhibits. It was agreed this topic needs further discussion and will be on the May Court en Banc's agenda.

7. New Supreme Court Rule 16 – Camera in the Courtroom

Court Administrator Mary Epping said there was a Supreme Court committee that reviewed and revamped Supreme Court Operating Rule 16. Pages 19 and 20 of the Court en Banc's packet outline the changes to the rule that impact our court. She noted they changed the definition of media coverage, which she includes tweeting, texting, electronic mail, on-line posting, etc. There is also discussion about media equipment, which is any device capable of taking photographs such as cell phones, ipads, etc. However, those items still have to be approved by the judge. Mary said she believes our media form needs to be updated to require media to indicate exactly what they plan to use in the courtroom. This new rule is effective July 1, 2018. Mary said if anyone wishes to see the red lined copy of the changes to please let her know and she will send it to them. It was agreed all would be given time to review the changes and we will revisit this topic at the May Court en Banc meeting.

8. Update on Bond Form

Judge Jodie Asel said on page 21 of the Court en Banc packet is the Boone County bond form with proposed changes in red to be added based upon the prosecuting attorney always requesting these additional items, which requires the judge to hand write in the information. There was a lot of discussion regarding the proposed changes as well as other recommended changes. It was agreed there will be further consideration given to changes on the form and it will be discussed at the May Court en Banc meeting.

9. Legislation

Court Administrator Mary Epping reported on the following legislation:

- HB 2262 has been referred to the rules committee. This bill increases court costs for the statewide court automation fund from $7 to $25.
- HB 1633 modifies provision relating to convictions of included offenses. There was a lot of discussion on this bill and it was requested that Mary send this bill to all judges by e-mail. Mary noted this bill has moved from the House to the Senate.
- HB 1296 is Toby's Law which establishes the requirement of a person who has pled guilty or been found guilty of driving while intoxicated to complete a victim impact program approved by the Court. This bill has passed the House and been sent to the Senate.
- HB 2194 modifies provisions relating to criminal records. It has to do with the Missouri Rap Back Program and the National Rap Back Program. It is a reporting mechanism. It does not change the obligations of the clerk as it appears the changes may be more with regard to the Highway Patrol.
- HB 1249 and SB 553 modifies provisions relating to Municipal Court.
- Provisions related to the crime victim compensation fund were changed so felony C goes from $46 to $55 and adds Class E felony, which would be the same as Class C felony.
- SB 903 has been added to SB 1050 which is a transportation ominous bill. This repeals the existing texting while driving statute but modifies it to ban texting while driving, removing the age limit.

Deputy Court Administrator Cindy Garrett reported on the following bills:

- HB 1255 and SB 793 regarding Raise the Age both passed out of the House Judiciary Committee. House Committee Substitution 2 was placed on both bills which includes three alternative funding sources: 1) $3.50/fee on civil cases; 2) $2 surcharge on traffic tickets; and 3) a fine up to $500 that may be charged to a defendant who commits a crime against a child. Additionally language was added that does not allow for Raise the Age to be expanded unless there is sufficient funding available to do so which states "Section 1. Expanding services from seventeen years of age to eighteen year of age is a new service and shall not be effective until an appropriate sufficient to fund the expanded service is provided therefore."
- HB 1728 has been reported Do Pass out of the House. This bill gives the court authority to enter an order in juvenile court subject to 211.031.1 (1) or (2) and 210 regarding custody of a child under chapter 452, enter a child support order, establish rights of visitation, and enter a final order and judgment establishing paternity. These orders remain in effect after termination of jurisdiction of juvenile court.

- HB 1353 has been reported Do Pass out of the House. This bill allows the court to grant visitation between the parents of a minor who has been appointed a guardian and the minor if the court finds it in the best interests of the minor.
- HB 1630 has been reported Do Pass out of the House. This bill changes the laws regarding marriage licenses to where a license cannot be issued to anyone under 17 (was 15), however the license can be issued after a hearing has been held in which the parties present evidence to the court that would make such marriage advisable. The court has to determine there is no evidence of coercion or abuse of either person entering into the marriage.
- HB 1399 had a House Committee Substitution that was voted Do Pass in the House. This bill modifies the provisions relating to the termination of parental rights of a rapist after a child was conceived and born as a result of the rape.

10. Jury

a. Jury Mileage

Court Administrator Mary Epping said she met with the Boone and Callaway County jury boards to discuss modifying how mileage is paid to jurors. Mary proposed and the board accepted paying mileage by zip code and having both counties pay $.40 per mile. Mary has requested OSCA run some examples of how this change will impact Callaway County so she can take the information to the Callaway County Auditor to review any monetary adjustment, however the results have not yet been received. Mary would like to have a vote on this topic and will bring it to the May Court en Banc meeting. She is also recommending an administrative order be created to have historical tracking of the change.

b. Jury Chairs – Ceremonial Courtroom

Court Administrator Mary Epping said it was budgeted in the county budget and Administration of Justice Fund to replace jury chairs in the ceremonial courtroom. She had samples of replacement chairs to be considered, but she was asked whether the current chairs could be restored in order to keep the historical aspect of the courtroom. Mary was able to get an estimate of having the chairs refurbished, with new padding and upholstery, which fit within our budget. Mary was informed they could refurbish the chairs in stages therefore the courtroom would not be out of commission. Judge Schneider moved to have the chairs in the ceremonial courtroom refurbished versus replaced. Second: Judge J. Hasbrouck Jacobs. The motion passed unanimously.

11. 400.9 Complaint Against an Employee

Court Administrator Mary Epping said the new juvenile standards require there be a process for filing a complaint against a juvenile officer. Mary said our circuit has a process in place for filing a complaint against discrimination or sexual harassment and filing a PREA complaint at the juvenile justice center, however there was not a written process for filing a complaint against an employee. Mary said she took the harassment process and applied it to a general complaint against an employee. This policy is within

Rules & Regulations which is under Mary's authority to approve, however she wanted the Court en Banc to be made aware of the new written policy.

12. 2019 Budget Schedule

Court Administrator Mary Epping said page 26 of the Court en Banc's packet is the 2019 budget schedule. Mary said she needs a date certain to present the budget to the Court en Banc as a quorum must be present. July 24, 2018 was approved as the date to present the budget to Court en Banc. Judge Kevin Crane also said the August Court en Banc meeting will be held in Callaway County.

13. Other

Judge Jodie Asel said she recently had five expungement cases, however she knows these cases are being assigned to all judges. She said the cases are being handled differently by each judge. She said when the process was discussed at Court en Banc it was noted the Prosecuting Attorney has 30 days to object. She said the statute says the clerk of the court shall give notice of the filing of the petition to the parties and the prosecutor will object to the petition for expungement within 30 days after receipt of service. She said notice and receipt of service are two separate things. She said upon the cases being filed some attorneys request summons to each of the agencies, some request certified mail with a return receipt requested, and some do not request anything so the clerk sends notice to the parties named by regular mail. Judge Asel believes this is a problem as all the cases are being handled differently. She noted the statute is vague as to notice and after date of service. Circuit Clerk Christy Blakemore said it is her understanding these cases are to follow the normal civil rules.

Judge Carol England voiced another issue with expungements. She provided a handout of section 483.075, RSMo, in which paragraph 2 says when the circuit clerk is a party in the lawsuit, the county clerk assumes the duties of the circuit clerk. This would include the county clerk providing summons, running FTR Gold, etc. Court Administrator Mary Epping agreed to contact OSCA to get guidance on both issues regarding expungement cases. Both issues will be further discussed at the May Court en Banc meeting.

Judge Kevin Crane reminded everyone of the retirement party for Judge Daniels is scheduled for Thursday, April 19, 2018.

14. Comments from the Public

No comments.

15. Meeting Date

The next meeting is scheduled for May 15, 2018, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. Judge Kimberly Shaw moved to adjourn. Second: Judge Michael Bradley. The motion passed unanimously. Adjourned at 6:05 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 5/11/18