

COURT EN BANC MINUTES
Tuesday, January 7, 2020, at 5:00 p.m.
Boone County Courthouse
Law Library, 2nd Floor

Judges Present: Judges Kevin Crane, Brouck Jacobs, Jeff Harris, Jodie Asel, Kimberly Shaw, Carol England, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, Commissioner Sara Miller, and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore and Unit Manager Sherry Seiling, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, 13th District Defender Sarah Aplin and Assistant District Defender Jeremy Pilkington, Court Marshal Ben Pruett, Law Student Interns, 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 December 3, 2019 Minutes

Judge Kimberly Shaw moved to accept the December 3, 2019, minutes. Second: Judge Tracy Gonzalez. The motion passed unanimously. It was noted on 5c of the minutes that a committee was developed and since that time Judge Jeff Harris is no longer on the Boone committee and Judge Stephanie Morrell was added to that committee.

4. Fire Alarm

Court Marshal Ben Pruett said there was a fire alarm on December 16. An email with general reminders was also recently sent. He said the fire alarm is the only audible alarm and therefore everyone should evacuate upon the alarm being sounded. Ben advised judges as to where they should gather, especially if they are in their robes. He also noted the general public can use the first floor of the government center if poor weather conditions exist. Ben said each office has a designated place to congregate. The court marshals will sweep the courthouse once all staff are out of the courthouse. Ben said for tornado sirens staff and the public should go to the ground floor of the courthouse.

5. Order of Destruction

Deputy Court Administrator Cindy Garrett reported the Columbia Municipal Court and the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 9 through 12 of the Court en Banc's packet. Judge Leslie Schneider moved to approve the destruction of the records listed. Second: Judge Kimberly Shaw. The motion passed unanimously.

6. Pretrial Assessment Tools

Court Administrator Mary Epping said there was a meeting in Boone County last week to discuss potential changes. It is anticipated the PSA will be the chosen tool but nothing has been announced by the Supreme Court. Mary said the committee began reviewing the PSA, to familiarize themselves with the process and changes, if any, that would need to be made. She said there are two scores, one is for likelihood to appear and one is for new criminal activity. She said Brandon Walker reached out to Greene County and St. Louis County to get examples of their matrix based on the score. Mary said there will be ongoing meetings.

7. Public Defender Waitlist

Judge Kevin Crane noted the waitlist total in Boone County is over 1,000 cases. Judge Crane said we have one attorney, TJ Kirsch, as a limited scope pilot option for some cases. Judge Kimberly Shaw said TJ agreed to put limited representation in the heading of his notice of entry. Judge Shaw has January 22, 2020, set as another date for a few limited scope cases. Judge Crane said the plan is to expand this pilot project to the other associate divisions. Court Administrator Mary Epping said once a procedure is established we will put out a call for interest for additional contracts.

8. Judicial Order for Medication

Court Administrator Mary Epping said this will be an ongoing subject as she learned Boone County jail has a policy in place that has been used twice since 1986. The procedure requires a hearing with notice and a judicial order. The procedure is for cases with a likelihood of injury to self or others. Mary said there this type of behavior has occurred as staff at the jail have been assaulted. Mary said she will continue to bring this back to the court to determine how it rises to the level to effect the procedure. Mary said Judge Jeff Harris had inquired about statutory authority, however she has only found there to be case law and a Missouri practice policy which is rarely used.

9. Local Court Rule 5.6, Time Payment Fee

Court Administrator Mary Epping said at the last Court en Banc meeting the court approved having an administrative order for the formal administrative plan for collection of court debt. She said our local court rule referenced the plan and an old approval date,

August 2013, so Mary is asking to amend Local Court Rule 5.6 as noted on page 13 of the Court en Banc packet to reference the Administrative Order and delete the date listed. Judge Stephanie Morrell moved to approve Local Court Rule 5.6 as amended. Second: Judge Carol England. The motion passed unanimously.

10. \$10 Special Process Server, Court Costs

Court Administrator Mary Epping said at the last Court en Banc meeting an Administrative Order was approved for a \$10 additional fee to pay for the special process server in Callaway County. She said it was our understanding if we had an administrative order or Local Court Rule we could assess and collect the fee. However OSCA is now telling us there is not a mechanism for the county to collect the fee based on the statutory language that says payment shall be made to the Treasurer. Mary is therefore requesting Administrative Order 19-19 be rescinded. Mary said HB1822 has been filed to change the statute so that the \$10 goes through the circuit clerk's office. Mary said the Callaway Treasurer has indicated to date there has been one payment for 37 cases and the treasurer does not know how much to expect. It was noted Boone County does not collect the fee as the Boone County Sheriff does not get money from the fund. Callaway Circuit Clerk Megan Morse said there is a COGNOS report she can run by docket code for ordered special process server, which she is running monthly and providing to Sheriff Clay Chism. She said they can also provide the same report to the Treasurer. Judge Leslie Schneider moved to rescind Administrative Order 19-19 to remove the \$10 special process server cost for Callaway County, which will then revert back to Administrative Order 10-19. Second: Kimberly Shaw. The motion passed unanimously.

11. Legislation

Court Administrator Mary Epping said there have been several bills pre-filed that she is tracking. She reported on the following bills:

- **SB 813** would allow certain offenders to be eligible for community based sentencing.
- **HB 1354** adds a new section to the sex offender registry.
- **HB 1686** is a new statute that limits access to circuit court records.
- **HB 1715** allows a judge to assign roadside cleanup as a condition of probation.
- **HB 1307** eliminates the suspension of a driver's license and instead require community service for nonpayment, not in lieu of payment.
- **HB 1821** says any costs paid by the defendant may be collected as court costs and disbursed as such.
- **HB 1822** says the court clerk shall collect \$10 for special process server and then paid into the treasurer.

12. Technology Security Awareness Training

Court Administrator Mary Epping said judges should be getting an email reminder to take this training. She noted it takes about 30 minutes to complete the training and to be

mindful of the dates as if you do not complete it by the date given you will be locked out of the judiciary system.

13. Other

Judge Kevin Crane thanked Judge Jeff Harris for facilitating the Jail Overcrowding meeting.

Court Administrator Mary Epping said Boone and Callaway counties have been giving the day after Thanksgiving off therefore if judges do not want cases set on that date to please let Tamatha Idel know so she can note it to avoid having cases set.

Judge Kimberly Shaw reminded judges that when a condition of bond for a defendant to complete BIP is ordered to please notify Lori Zuroweste, the new Domestic Assault Court Coordinator, by e-mail, so she can follow-up with these individuals once they bond.

Boone County Christy Blakemore said the Circuit Clerk's association had legislation filed to clarify the statute as to roles with the Circuit Clerk.

14. Comments from the Public

None.

15. Meeting Date

The next meeting is scheduled for February 25, 2020, at 5:00 in Boone County. Judge Stephanie Morrell moved to adjourn. Second: Judge Carol England. The motion passed unanimously. The meeting adjourned at 5:35 p.m.

Prepared and Submitted by:


Cindy Garrett
Deputy Court Administrator

Submitted by:


Mary Epping
Court Administrator

Distributed on:

