Gerald W. Jones
Presiding Commissioner

Larry L. Bock
1st Dist. Commissioner

Joe F. Gambill
2nd Dist. Commissioner

COUNTY COMMISSION
Cape Girardeau County, Missouri

Rodney Miller
Clerk of Commission

Donna Burk
Administrative Assistant

ORDINANCE NO. 04-01

Cape Girardeau County Law Enforcement Restitution Fund

An Order to establish a fund to be know as; "The Cape Girardeau County Law Enforcement Restitution Fund", establishing the purpose of the Fund; establishing a Board of Trustees; all in accordance with Sections' 50.500 and 50.565 Revised Statutes of the State of Missouri.

Be it Resolved and Ordered by the County Commission of Cape Girardeau County, Missouri as follows:

Section 1. The County Commission hereby does establish a fund to be known as "The Cape Girardeau County Law Enforcement Restitution Fund".

Section 2. The Fund shall be under the supervision of a Board of Trustees. The Board of Trustees shall consist of five citizens of Cape Girardeau County; two appointed by the Presiding Commissioner, two appointed by the Sheriff, and one appointed by the Coroner. The citizens so appointed shall not be current or former employees of either the Sheriff's Office or the Prosecuting Attorney's Office.

Section 3. The Board of Trustees shall serve a term of three (3) years. In establishing the Board of Trustees, the first appointments shall be as follows:

One Trustee appointed by the Presiding Commissioner for a one (1) year term.
One Trustee appointed by the Presiding Commissioner for a two (2) year term.
One Trustee appointed by the Sheriff for a two (2) year term.
One Trustee appointed by the Sheriff for a three (3) year term.
One Trustee appointed by the Coroner for a one (1) year term.

Cape Girardeau County Commission
1 Barton Square
Jackson, Missouri 63755
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Thereafter, the respective Office holder shall appoint a Trustee for a term of three (3) years. The Board shall meet as often as necessary to transact any business. In the event the Sheriff or Prosecuting Attorney needs to have an expenditure approved prior to a prescribed meeting of the Board of Trustees, the Sheriff or Prosecuting Attorney may poll the Board of Trustees for approval. This may be done by telephone, telephonic fax, or by Internet electronic mail (e-mail). The Board of Trustees shall keep minutes for all meetings.

Section 4. Funds from the Cape Girardeau County Law Enforcement Restitution Fund shall only be expended upon the approval of a majority of the Board of Trustees.

Section 5. Funds from the Cape Girardeau County Law Enforcement Restitution Fund shall only be expended for the following purposes:

(1) Narcotics investigation, prevention, and intervention;
(2) Purchase of law enforcement related equipment and supplies for the Sheriff's Office;
(3) Matching funds for federal or state law enforcement grants;
(4) Funding for the reporting of all state and federal crime statistics or information; and
(5) Any law enforcement related expense, including those of the Prosecuting Attorney, approved by the Board of Trustees for the Cape Girardeau County Law Enforcement Restitution Fund that is reasonably related to investigation, charging, preparation, trial, and disposition of criminal cases before the Courts of the State of Missouri.

Section 6. The Cape Girardeau County Commission shall not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the Cape Girardeau County Law Enforcement Restitution Fund. The restitution fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal Funds.

Section 7. The Cape Girardeau County Law Enforcement Restitution Fund shall be audited, as are all other county funds.

Section 8. This ordinance shall be in full force and effect beginning August 28, 2004.

PASSED AND APPROVED this 26th day of August, 2004.

Gerald W. Jones,
Presiding Commissioner

Larry L. Bock,
Associate Commissioner

Joe F. Gambill,
Associate Commissioner

ATTEST:

Rodney Miller,
Clerk of the County Commission

Missouri Revised Statutes

Chapter 488
Court Costs
Section *488.5026*

August 28, 2006

Two dollar surcharge for all criminal cases, funds to be deposited in inmate security fund.

488.5026. 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund". Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Upon the installation of the biometric verification system, funds in the inmate security fund may be used for the maintenance of the biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners.

(L. 2003 S.B. 5, A.L. 2004 H.B. 1179)

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Missouri General Assembly