

IN THE MUNICIPAL DIVISION OF THE
CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ADMINISTRATIVE ORDER)
REGARDING FINES, INSTALLMENTS,) Administrative Order No. 14-1
AND ABILITY TO PAY)

**ADMINISTRATIVE ORDER REGARDING FINES,
INSTALLMENTS, AND ABILITY TO PAY**

NOW, pursuant to Missouri law, Missouri Supreme Court Rules, and the Local Rules of the Twenty-Second Circuit Court of the State of Missouri, the Court hereby enters the following order to clarify the policy of the Municipal Division and to provide for its efficient operation and administration.

- I. **Imposition of Fines:** When imposing fines, the Court will exercise its discretion in accordance with the following general guidelines.
 - A. In determining the amount and method of payment of a fine, the Court will, insofar as practicable and in light of all the circumstances, proportion the fine to the burden that payment of the fine will impose on the defendant in view of the defendant's financial resources.
 - B. If, at the time a fine is assessed, it appears to the Court that the defendant does not have the present means to satisfy the amount assessed, the Court may issue an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.
 - C. The Court will consider alternatives to a fine in every case, as the circumstances merit. For example, the Court should consider allowing the

defendant to perform community service in a manner that is proportional to the fine that the Court would otherwise impose for the same or similar offense.

- II. Installments:** In ordering when a defendant shall pay any fine, the Court will exercise its discretion in accordance with the following general guidelines.
- A. In every case, the Court will consider allowing the defendant to pay a fine in installment payments.
 - B. In determining the installment schedule, the Court shall consider all the circumstances of the case, including the defendant's financial resources.
 - C. Unless otherwise appropriate in the circumstances of a particular case, the Court will not order a defendant to pay a fine or some portion thereof any sooner than four weeks from the date judgment is entered. The Court, at its discretion in light of the circumstances, may allow a defendant to pay at a later date.
- III. Opportunity to Prove a Defendant's Financial Resources**
- A. The Court will consider a defendant's financial resources only if the defendant proves the defendant's financial resources to the satisfaction of the Court.
 - B. Every defendant will be provided a reasonable opportunity to prove the defendant's financial resources and ability to pay a fine before the Court assesses a fine against the defendant.
 - C. In every case where the defendant submits evidence or argument to the Court about the defendant's financial resources, the City of St. Louis may

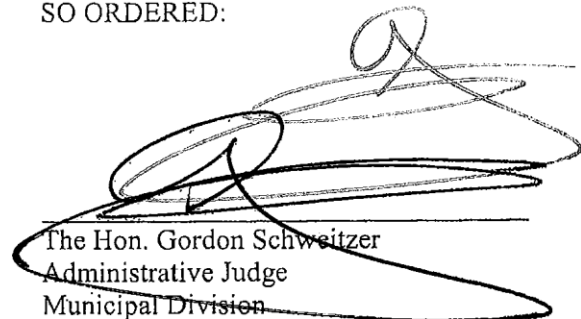
introduce evidence, cross-examine the defendant's witnesses, and otherwise present the City's position concerning the defendant's financial resources and ability to pay a fine.

IV. Application and Enforcement

- A. This Order applies to every case in the Municipal Division unless otherwise provided herein.
- B. This Order does not apply to any plea bargain, settlement, or other resolution to which the defendant and the City of St. Louis agree.
- C. This Order does not apply to any case, categories of cases, or docket designated by the Administrative Judge or otherwise required by law.
- D. Other than specifically set forth herein, this Order does not limit the appropriate exercise of the Court's discretion to impose judgment and otherwise rule in accordance with the unique circumstances of each case.

After consultation with the Presiding Judge of the Circuit Court for the Twenty-Second Judicial Circuit, this Administrative Order was approved by a majority of judges of the Municipal Division and is hereby ordered by the Administrative Judge on December 18, 2014.

SO ORDERED:



The Hon. Gordon Schweitzer
Administrative Judge
Municipal Division