

**BOND POLICY AND PROCEDURES  
EFFECTIVE ON DECEMBER 13, 2010  
FOR THE  
MUNICIPAL DIVISION OF THE 13<sup>TH</sup> JUDICIAL CIRCUIT OF MISSOURI**

FOR THE CITY OF COLUMBIA, MISSOURI

It is hereby ordered that the Bond Policy and Procedure Revision dated May 1, 2009 is hereby repealed effective December 13, 2010. This Bond Policy and Procedures order shall go into effect upon the repeal of the policy dated May 1, 2009.

It is further ordered that the City of Columbia and University of Missouri Police Departments shall refer to the following schedule in setting appearance bonds for defendants in custody prior to the defendant's first appearance in court.

A. Any person arrested for an ordinance violation shall be entitled to be released from custody pending trial. When an arrest is made without a warrant, the peace officer may accept bond in accordance with the following bail schedule:

***1. The defendant shall be released upon his or her written promise to appear unless the peace officer or the city prosecutor presents evidence to the court that:***

a. The defendant's promise to appear alone is not sufficient reasonably to assure appearance of the person, or

b. The person poses a danger to a crime victim, the community, or any other person.

2. The following factual situations **require the peace officer to set a bond for the defendant's release** because the court hereby finds that the defendant's written promise to appear alone is not sufficient reasonably to assure appearance of the person or because the person poses a danger to a crime victim, the community, or any other person:

a. The defendant has an outstanding warrant for failure to appear in any Court, or the defendant has provided the peace officer with a false name and/or a false date of birth in order to escape prosecution under his/her true identity **or,**

b. The defendant has been taken into custody for the city ordinance violations of: Driving While Intoxicated, Driving With Excessive Blood Alcohol Content, Assault under City Ordinance Number 16-141 (1), (2), or (4), Reckless Burning or Exploding, Resisting or Interfering With An Arrest by Force, Threat of Force, or Flight, Escape From Custody, Failure To Appear in Municipal Court, or Brandishing A Weapon.

c. The bond amount for those situations in paragraphs 2 (a) and (b) above shall be set by the peace officer at Five Hundred Dollars (\$500.00).

d. If the peace officer or city prosecutor believe that the bond amount should be set at a higher or lower amount or that the defendant's factual situation comes within the exceptions listed in paragraph A (1)(a) or (b) of this bond policy then the peace officer or city prosecutor shall

contact the Municipal Court Judge or in the Municipal Judge's absence or unavailability, a Associate Municipal Court Judge to allow a judicial determination of the proper bond amount.

e. Contact information for the Municipal Court Judge and the Associate Municipal Court Judges are as follows:

- |                     |                             |
|---------------------|-----------------------------|
| 1. Robert D. Aulgur | H- 445-1124 Cell - 881-5956 |
| 2. William McKenzie | H- 449-4321                 |
| 3. Jack Morgan      | H-441-0549 Cell- 289-3752   |
| 4. John Clark       | Cell - 785-218-2062         |

## **METHODS OF POSTING BONDS**

### **CASH BONDS**

1. Clerks shall accept only cash, certified check, money order or equivalent, or personal check for cash bonds. A personal check is acceptable in posting a bond **ONLY** under the following circumstances:

a. Personal checks will be accepted from defendants **ONLY**. Personal checks **WILL NOT** be accepted as bond from a surety.

b. Personal Checks must be drawn on a State of Missouri Bank.

2. When a cash bond is posted the receipt shall be made in the name of the defendant. Any money, certified check, money order or equivalent or personal check shall be considered by the court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, warrant fees, and any other related court costs ordered by the judge will be deducted from the cash bond before any money is refunded to the defendant or his assignee. A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party on the Bond Assignment Form set out in The Rules of the Circuit Court of the Thirteenth Judicial Circuit of Missouri.

3. Defendants should be advised that the bond receipt **MUST** be presented to the Municipal Court to get their bond returned after their case is concluded.

4. Auto Club (AAA) cards and Amoco Motor Club membership cards are acceptable as bond on traffic offenses only.

The Municipal Court does not accept credit cards for any type of bond.

### **SURETY BONDS**

Municipal Court will accept the use of a Surety Company and Agent for appearance bonds if the

Surety Company and Agent meet the qualifications set forth in Mo. Sup. Ct. Rule 37.32 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit.

All Compensated Sureties shall meet the qualifications set out by Mo. Sup. Ct. Rule 37.30 and 37.31. (2004).

Personal Sureties must post a cash bond (**personal checks are not acceptable**). Personal Sureties must meet the following criteria as set forth in Mo. Sup. Ct Rule 37.29 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit:

A person shall not be accepted as a surety on any bail bond unless the person is reputable, at least 21 years of age and a resident of Missouri, and has net assets with a value in excess of exemptions at least equal to the amount of the bond that are subject to execution in the State of Missouri, and has not been convicted of any felony under the laws of any state or of the United States, and has no outstanding forfeiture or unsatisfied judgment, thereon entered upon any bail bond in any court of this state or of the United States.

A lawyer, or an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof shall not be accepted as a surety on any bail bond, except that, this disqualification shall not apply if the principal is the spouse, child or family member of the surety.

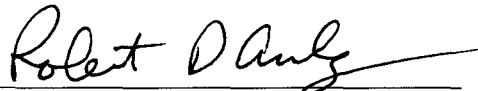
If there is more than one surety, the aggregate net worth of the sureties in excess of exemptions shall be at least equal to the amount of the bond.

#### **NON-RESIDENT VIOLATOR COMPACT (NRVC)**

Non-Resident violator compact procedures should be followed on traffic violators from member states. A list of Member States as of 5/9/06 are attached hereto:

When issuing a summons for a traffic violation, a motorist who possesses a valid drivers license from a member state shall not be required to post a bond to secure appearance if the officer receives the motorist's signed personal assurance that he or she will comply with the terms of the summons. (544.046 RSMo.)

SO ORDERED THIS 3<sup>rd</sup> DAY OF DECEMBER, 2010.



ROBERT D. AULGUR  
JUDGE OF THE MUNICIPAL DIVISION OF THE 13th JUDICIAL CIRCUIT  
FOR THE CITY OF COLUMBIA, MISSOURI.

IT IS ORDERED THAT: The Municipal Court Clerk shall provide a copy of this Bond Policy to the Presiding Judge of the 13th Judicial Circuit of Missouri and a copy shall be prominently displayed in the lobby of the Municipal Court Building per Rule 69.4 of the Mo. Ct. Rules for the 13th Judicial Circuit.