

COUNCIL BILL NO. 2001-018

ORDINANCE NO. 2001-062

AN ORDINANCE amending Chapter 42, Courts, of the Code of Ordinances of the City of Joplin, Missouri, by repealing Section 42-39, Management of Prisoners., and enacting in lieu thereof, a new Section 42-39, Imposition of Sentence, Conditions of Probation – Compensation of Victims – Free Work; Public or Charitable., to codify the Court's discretion in dealing with the imposition of sentences for violation of the Joplin City Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as

follows:

Section 1. That Section 42-39, Management of Prisoners., be and the same is hereby repealed, and a new Section 42-39, Imposition of Sentence, Conditions of Probation – Compensation of Victims – Free Work; Public or Charitable be enacted in lieu thereof, to read as follows:

"Sec. 42-39. Imposition of Sentence, Conditions of Probation – Compensation of Victims – Free Work; Public or Charitable.

(A) The Court shall have the discretion upon finding or plea of guilt to impose such sentence as authorized by Charter and Code, and consistent with the Statutes and Court Rules of Missouri.

(B) The conditions of probation shall be such as the Court in its discretion deems reasonably necessary to insure that the Court will be aware of any further law violations. When a defendant is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.

(C) In addition to such other authority as exists to order conditions of probation, the Court may order such conditions as the Court believes

will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Court;
2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Court;
3. The assessment of shock jail time, so long as such jail time is within the range of punishment authorized by ordinance of law for the offense charged;
4. The assessment of a shock fine so long as such amount is within the range of punishment authorized by ordinance or law for the offense charged;
5. Completion of alcohol or substance abuse education, evaluation or treatment programs at the expense of the defendant; and,
6. Completion of anger management, evaluation or treatment programs at the expense of the defendant.

(D) The defendant may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall

not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.

(E) The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

(F) The Court may suspend either the imposition or execution of sentence as a condition of probation.

(G) The Court may adopt by order, rules to implement the sentencing alternatives that it deems appropriate.

(H) The Court may supervise the conditions of confinement, and may adopt by order, the term and conditions of release as it deems fit, including compassionate release or parole in the event of illness or injury of the inmate or death or injury of a family member of the inmate, work release, credit for good behavior and release on parole during periods of jail over-crowding, emergency, or disaster, and so forth.

(I) Any person who shall violate a term or condition of confinement, release, or parole, shall be subject to contempt."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, THIS 21st

day of June, 2001.

Darieus K. Adams, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Council Bill No. 2001-018 (Continued)

Chuck Brown, City Attorney