

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 614
97TH GENERAL ASSEMBLY

4247H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 67.320, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.430, and 478.433, RSMo, and to enact in lieu thereof four new sections relating to judicial personnel.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 67.320, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 2 477.180, 477.181, 477.190, 477.191, 478.430, and 478.433, RSMo, are repealed and four new 3 sections enacted in lieu thereof, to be known as sections 67.320, 477.160, 477.170, and 477.180, 4 to read as follows:

67.320. 1. Any county [of the first classification with more than one hundred ninety- 2 eight thousand but less than one hundred ninety-nine thousand two hundred] **with a charter** 3 **form of government and with more than two hundred thousand but fewer than three** 4 **hundred fifty thousand** inhabitants or any county of the first classification with more than one 5 hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute 6 and punish violations of its county orders in the circuit court of such counties in the manner and 7 to the extent herein provided or in a county municipal court if creation of a county municipal 8 court is approved by order of the county commission. The county may adopt orders with penal 9 provisions consistent with state law, but only in the areas of traffic violations, solid waste 10 management, county building codes, on-site sewer treatment, zoning orders, and animal control. 11 Any county municipal court established pursuant to the provisions of this section shall have 12 jurisdiction over violations of that county's orders and the ordinances of municipalities with 13 which the county has a contract to prosecute and punish violations of municipal ordinances of 14 the municipality.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 2. Except as provided in subsection 5 of this section in any county which has elected to
16 establish a county municipal court pursuant to this section, the judges for such court shall be
17 appointed by the county commission of such county, subject to confirmation by the legislative
18 body of such county in the same manner as confirmation for other county appointed officers.
19 The number of judges appointed, and qualifications for their appointment, shall be established
20 by order of the commission.

21 3. The practice and procedure of each prosecution shall be conducted in compliance with
22 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this
23 section.

24 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with
25 the term order for purposes of this section.

26 5. In any county of the first classification with more than one hundred one thousand but
27 fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the
28 county commission for a term of four years, and thereafter the judges shall be elected for a term
29 of four years. The number of judges appointed, and qualifications for their appointment, shall
30 be established by order of the commission.

 477.160. There shall be [twelve] **fourteen** judges of the eastern district of the court of
2 appeals.

 477.170. There shall be [seven] **eleven** judges of the western district of the court of
2 appeals.

 477.180. There shall be [five] **seven** judges of the southern district of the court of
2 appeals.

 [67.320. 1. Any county of the first classification with more than one
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
3 two hundred inhabitants or any county of the first classification with more than
4 one hundred one thousand but fewer than one hundred fifteen thousand
5 inhabitants may prosecute and punish violations of its county orders in the circuit
6 court of such counties in the manner and to the extent herein provided or in a
7 county municipal court if creation of a county municipal court is approved by
8 order of the county commission. The county may adopt orders with penal
9 provisions consistent with state law, but only in the areas of traffic violations,
10 solid waste management, county building codes, on-site sewer treatment, zoning
11 orders, and animal control. Any county municipal court established pursuant to
12 the provisions of this section shall have jurisdiction over violations of that
13 county's orders and the ordinances of municipalities with which the county has
14 a contract to prosecute and punish violations of municipal ordinances of the
15 municipality.

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17 has elected to establish a county municipal court pursuant to this section, the

18 judges for such court shall be appointed by the county commission of such
19 county, subject to confirmation by the legislative body of such county in the same
20 manner as confirmation for other county appointed officers. The number of
21 judges appointed, and qualifications for their appointment, shall be established
22 by order of the commission.

23 3. The practice and procedure of each prosecution shall be conducted in
24 compliance with all of the terms and provisions of sections 66.010 to 66.140,
25 except as provided for in this section.

26 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be
27 synonymous with the term order for purposes of this section.

28 5. In any county of the first classification with more than one hundred
29 one thousand but fewer than one hundred fifteen thousand inhabitants, the first
30 judges shall be appointed by the county commission for a term of four years, and
31 thereafter the judges shall be elected for a term of four years. The number of
32 judges appointed, and qualifications for their appointment, shall be established
33 by order of the commission.]
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2 [476.445. 1. Any commissioner of the supreme court or commissioner
3 of a court of appeals who is unable to discharge the duties of his office with
4 efficiency by reason of continued sickness or physical or mental infirmity shall
5 be retired from office upon the en banc order of the court appointing him.

6 2. No order retiring a commissioner shall be entered without the
7 commissioner involved having been given due notice and an opportunity to be
8 heard and without a finding by a majority of the court involved that the
9 commissioner's disability is permanent.

10 3. Any commissioner retired under the provisions of this section shall
11 receive as compensation during such retirement and until the end of the term for
12 which he was appointed a sum equal to one-half of the regular compensation for
13 that office.

14 4. Any commissioner retired under the provisions of this section shall not
15 be eligible to be made, constituted and appointed a special commissioner as
16 provided in sections 476.450 to 476.510 (nor to receive the compensation
17 provided therefor by sections 476.450 to 476.510) during the period of his
18 retirement under the provisions of this section but upon the completion of such
19 period he shall be and become eligible to be made, constituted and appointed a
20 special commissioner as provided in sections 476.450 to 476.510 if he be
21 otherwise qualified as to age and length of service.]

2 [477.081. From January 1, 1972, no new commissioner shall be
3 appointed by the supreme court or the court of appeals. All commissioners
4 serving on January 1, 1972, are eligible for reappointment for additional four-year
5 terms until they reach compulsory retirement age, or die, resign or are removed.
Each commissioner shall possess the same qualifications, take and subscribe a

6 like oath, and receive the same compensation payable in the same manner as
7 judges of the court appointing them. The commissioners are subject to the rules
8 and orders of the court appointing them and shall provide such services as the
9 court may require.]

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2 [477.082. From January 1, 1972, the commissioners of the supreme
3 court, in addition to their other duties, by order of the supreme court, may be
4 temporarily assigned for the performance of judicial duties as special judges of
5 the supreme court, of any district of the court of appeals, or of any circuit court
6 when their services are required for the prompt and efficient administration of
7 justice. During such temporary assignments, subject to the supervision of the
8 regular judge or judges of the court, the commissioners shall exercise the same
9 powers, duties, and responsibilities as are vested by law in the regular judges of
10 the court to which they are assigned.]

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2 [477.152. Whenever a vacancy occurs after September 3, 1970, in the
3 office of commissioner of the supreme court, a judge shall be appointed in the
4 manner prescribed by sections 25(a)-(g), article V of the Constitution of Missouri
5 to serve on the court of appeals. Appointments under this section shall be made
6 to the districts of the court of appeals in the following order: eastern, western,
7 southern, eastern, western, eastern.]

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2 [477.181. 1. On July 1, 1979, the number of judges of the southern
3 district of the court of appeals shall be increased by one judge.

3 2. The judge appointed pursuant to the provisions of this section shall be
4 in addition to any other judges appointed to the southern district of the court of
5 appeals pursuant to other provisions of law.]

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2 [477.190. The judgeships authorized by sections 477.160, 477.170 and
3 477.180 shall be in addition to those newly authorized after January 1, 1978, by
4 the provisions of section 477.152 or by any other law enacted at or after the
5 second regular session of the seventy-ninth general assembly.]

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2 [477.191. 1. On January 1, 1979, the western district of the Missouri
3 court of appeals shall be increased by three judges.

3 2. The judges appointed pursuant to the provisions of this section shall
4 be in addition to any other judges appointed to the western district of the
5 Missouri court of appeals under the provisions of any other law.]

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2 [478.430. Each circuit judge of the circuit court of the city of St. Louis
3 who is visually impaired or otherwise physically handicapped is hereby
4 authorized to appoint one janitor-messenger whose duty it shall be to keep in an
5 orderly and cleanly manner the chambers and other rooms used by such judge and

5 his reporter in the performance of their respective duties, and equipment in use
6 therein, and also the halls, stairways, and jury rooms used in connection with the
7 courtroom over which such judge presides, and to perform such other duties as
8 said judge shall direct from time to time. And the judge making said
9 appointment shall report the same to the circuit court in general session for
10 certification, and such janitor-messenger shall hold his appointment during the
11 pleasure of the judge making the same.]
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2 [478.433. The janitor-messenger appointed under section 478.430 shall
3 receive and be paid, after proper appointment and certification by said court, or
4 the presiding judge thereof, an annual salary of not less than two thousand two
5 hundred dollars. Said salary shall be payable at the end of each and every month,
6 in equal monthly installments, by the treasurer of the city of St. Louis out of any
7 moneys appropriated therefor by the municipal assembly upon warrants drawn
8 and countersigned by the proper officers of said city, pursuant to the charter
9 thereof. It shall be the duty of the municipal assembly of said city to appropriate
10 the money necessary for the payment of such salaries; provided further, that the
11 court may, when sitting in general session, recommend to the St. Louis board of
12 estimate and apportionment an increase in salary of janitor-messengers not
13 exceeding two hundred dollars per annum, subject to the approval of said board.
14 If said board of estimate and apportionment concur in such salary increase, the
municipal assembly shall appropriate additional moneys for such salaries.]

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