SENATE BILL NO. 495

91ST GENERAL ASSEMBLY

AN ACT

To repeal sections 478.320 and 478.437, RSMo 2000, relating to judges in certain judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 478.320 and 478.437, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 478.320 and 478.437, to read as follows:

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

3. **The number of associate circuit judges authorized for the twenty-first judicial circuit shall be reduced by the number of additional circuit judges authorized for the twenty-first judicial circuit, as provided by subsection 2 of section 478.437.**

4. Except in circuits where associate circuit judges are selected under the provisions of

sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.] **5.** In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

[5.] **6.** No associate circuit judge shall practice law, or do a law business, nor shall he accept, during his term of office, any public appointment for which he receives compensation for his services.

[6.] **7.** No person shall be elected as an associate circuit judge unless he has resided in the county for which he is to be elected at least one year prior to the date of his election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. **1. Prior to August 28, 2001,** the circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. On and after August 28, 2001, as the number of associate circuit judges are reduced in the twenty-first judicial circuit pursuant to subsection 3 of section 478.320, five additional circuit divisions and five additional circuit judges are authorized for the twenty-first judicial circuit. The procedure for adding these judges shall be as follows:

(1) On and after August 28, 2001, the next five associate circuit judge positions which become vacant shall be considered abolished; and

(2) A vacancy in a circuit judge position shall be deemed to exist, and a circuit judge shall be appointed as provided by sections 25(a) to (g) of article V of the constitution.

The provisions of this subsection shall apply only to the first five vacancies in associate circuit judge positions in the twenty-first judicial circuit which occur on and after August 28, 2001.

T