

FIRST REGULAR SESSION

SENATE BILL NO. 534

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

0809S.011

AN ACT

To repeal section 479.230, RSMo, and to enact in lieu thereof one new section relating to absent municipal judges.

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

Section A. Section 479.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.230, to read as follows:

479.230. 1. If a municipal judge be absent, sick or disqualified from acting pursuant to the general administrative authority of the presiding judge of the circuit court over the municipal divisions within the circuit contained in section 478.240, RSMo:

(1) In municipal court divisions having more than one judge, the presiding judge of the municipal division, if any, or if there is not a designated presiding judge of the municipal division, any other municipal judge in said municipal division may request the presiding judge of the circuit court to designate a special municipal judge as provided in subsection 2 of this section until such absence or disqualification shall cease, subject to subdivision (4) of this subsection;

(2) The presiding judge of the municipal division may, by written directive, designate a written procedure delegating authority by which the municipal court administrator, if any, or the municipal court clerk, is authorized to notify and request the presiding judge of the circuit court to designate a special municipal judge as provided in subsection 2 of this section;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(3) In the absence of multiple judges in a municipal division, and in the absence of a written directive and policy authorizing the procedure, the mayor or chairman of the board of trustees may request the presiding judge of the circuit court to designate a special municipal judge as provided in subsection 2 of this section or **in cases of circumstances making it impossible to reach the presiding judge of the circuit court in a timely manner,** the mayor or chairman **of the board of trustees** may designate some competent, eligible person to act as municipal judge until [such absence or disqualification shall cease; provided, however, that] **the presiding judge of the circuit court can designate a special municipal judge as provided for under subsection 2 of this section;**

(4) Notwithstanding the provisions of subdivisions (1) to (3) of this subsection, should a vacancy occur in the office of an elected municipal judge more than six months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected municipal judge within less than six months of a general municipal election, the office may be filled by a competent, eligible person [designated by the mayor or chairman of the board of trustees or as provided in subsection 2 of this section.] **under the procedures set forth in subdivisions (1), (2), and (3) of this subsection.**

2. The presiding judge of the circuit court may appoint any other municipal judge within the circuit to act as a special **interim** municipal judge for a municipal judge of the circuit who is absent, sick or disqualified from acting. The presiding judge shall act [only upon request of the mayor or chairman of the board of trustees for a special municipal judge] **upon the request of those with authority to make such request under subsection 1 of this section.**

3. The governing body of the municipality shall provide by ordinance for the compensation of any person designated to act as municipal judge under the provisions of this section.