

FIRST REGULAR SESSION

# SENATE BILL NO. 322

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time February 5, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1735S.011

## AN ACT

To repeal sections 478.003 and 487.020, RSMo, and to enact in lieu thereof two new sections relating to drug court commissioners.

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

Section A. Sections 478.003 and 487.020, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 478.003 and 487.020, to  
3 read as follows:

478.003. 1. In any judicial circuit of this state, a majority of the judges  
2 of the circuit court may designate a judge to hear cases arising in the circuit  
3 subject to the provisions of sections 478.001 to 478.006. In lieu thereof and  
4 subject to appropriations or other funds available for such purpose, a majority of  
5 the judges of the circuit court may appoint a person or persons to act as drug  
6 court commissioners. Each commissioner shall be appointed for a term of four  
7 years, but may be removed at any time by a majority of the judges of the circuit  
8 court. The qualifications and compensation of the commissioner shall be the  
9 same as that of an associate circuit judge. If the compensation of a commissioner  
10 appointed pursuant to this section is provided from other than state funds, the  
11 source of such fund shall pay to and reimburse the state for the actual costs of  
12 the salary and benefits of the commissioner. The commissioner shall have all the  
13 powers and duties of a circuit judge, except that any order, judgment or decree  
14 of the commissioner shall be confirmed or rejected by an associate circuit or  
15 circuit judge by order of record entered within the time the judge could set aside  
16 such order, judgment or decree had the same been made by the judge. If so  
17 confirmed, the order, judgment or decree shall have the same effect as if made by  
18 the judge on the date of its confirmation.

19 **2. A drug court commissioner may under the provisions of**

20 **section 487.020, RSMo, also be appointed to serve as a family court**  
21 **commissioner.**

487.020. 1. In each circuit or a county having a family court, a majority  
2 of the circuit and associate circuit judges en banc, in the circuit, may appoint  
3 commissioners, subject to appropriations, to hear family court cases and make  
4 findings as provided for in sections 487.010 to 487.190. Any person serving as a  
5 commissioner of the juvenile division of the circuit court on August 28, 1993, shall  
6 become a commissioner of the family court. In each circuit or a county therein  
7 having a family court, a majority of the circuit and associate circuit judges en  
8 banc may appoint, in addition to those commissioners serving as commissioners  
9 of the juvenile division and becoming commissioners of the family court pursuant  
10 to the provisions of sections 487.020 to 487.040, no more than three additional  
11 commissioners to hear family court cases and make findings and  
12 recommendations as provided in sections 487.010 to 487.190. The number of  
13 additional commissioners added as a result of the provisions of sections 487.010  
14 to 487.190 may be appointed only to the extent that the state is reimbursed for  
15 the salaries of the commissioners as provided in sections 487.010 to 487.190 or  
16 by federal or county funds or by gifts or grants made for such purposes. A  
17 commissioner shall be appointed for a term of four years. Commissioners  
18 appointed pursuant to sections 487.020 to 487.040 shall serve in addition to  
19 circuit judges, associate circuit court judges and commissioners authorized to hear  
20 actions classified under section 487.080.

21 2. The circuit court in the eleventh judicial circuit may, in substitution of  
22 a family court commissioner currently appointed pursuant to this section whose  
23 salary is reimbursable, appoint one family court commissioner whose  
24 compensation shall be payable by the state without necessity of  
25 reimbursement. The provisions of this subsection shall not be construed to allow  
26 appointment of a family court commissioner in addition to the number of such  
27 family court commissioners holding office in the eleventh judicial circuit as of  
28 January 1, 1999, and the appointment of the state-paid commissioner shall be  
29 subject to appropriations for such purpose.

30 3. Each commissioner of the family court shall possess the same  
31 qualifications as a circuit judge. The compensation and retirement benefits of  
32 each commissioner shall be the same as that of an associate circuit judge, payable  
33 in the same manner and from the same source as that of an associate circuit  
34 judge.

35           4. In each circuit or a county having a family court established  
36 under this chapter and a drug court commissioner appointed under the  
37 provisions of chapter 478, RSMo, a majority of the circuit and associate  
38 circuit judges en banc, in the circuit, may appoint the drug court  
39 commissioner, if available and needed, to serve additional duty as a  
40 family court commissioner at no additional compensation. Such drug  
41 court commissioner shall meet all of the qualifications and possess all  
42 of the powers of a regular family court commissioner under the  
43 provisions of this chapter, in all cases in which he or she is sitting as  
44 a family court commissioner.

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