

FIRST REGULAR SESSION

# SENATE BILL NO. 21

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0205S.02I

## AN ACT

To repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

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

Section A. Sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 478.011, 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, to read as follows:

**478.011. 1. The Missouri supreme court may make permanent transfers of judicial positions from one circuit to another as the administration of justice requires, subject to the minimum number of judges set forth in article V of the constitution of Missouri, and shall establish rules and standards with respect thereto.**

**2. When a vacancy occurs in a circuit judge or associate circuit judge position, the supreme court may make a determination to transfer the vacant position to another circuit.**

**3. For purposes of this section, the term "vacancy" shall mean the death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge, and vacancy shall not mean failure to win a partisan election.**

13           4. In determining whether the judicial position should be  
14 transferred, the supreme court shall use the following criteria:

15           (1) Analysis of a judicial workload study;

16           (2) Whether litigants in the circuit have adequate access to the  
17 courts;

18           (3) Population of the circuit;

19           (4) Judicial duties and travel time involved in the circuit; and

20           (5) Other criteria that the supreme court deems relevant.

21           5. If the supreme court decides to transfer the judicial position,  
22 the position shall be filled in the manner provided by law for that  
23 circuit, and the position vacated shall cease to exist at the time the new  
24 position is filled.

25           6. The total number of circuit judge and associate circuit judge  
26 positions in existence as of August 28, 2013, shall not be altered, unless  
27 by law, and any supreme court order changing the total number of  
28 judicial positions, through either creation or elimination, shall be null  
29 and void.

30           7. The authority granted to the supreme court in this section  
31 shall supersede and prevail over sections 478.320, 478.370, 478.375,  
32 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570,  
33 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710,  
34 478.715, 478.730, and 478.750.

          478.320. 1. Subject to section 478.011 granting the supreme court  
2 the authority to transfer judicial positions as the administration of  
3 justice requires, in counties having a population of thirty thousand or less,  
4 there shall be one associate circuit judge. In counties having a population of  
5 more than thirty thousand and less than one hundred thousand, there shall be  
6 two associate circuit judges. In counties having a population of one hundred  
7 thousand or more, there shall be three associate circuit judges and one additional  
8 associate circuit judge for each additional one hundred thousand inhabitants.

9           2. For purposes of this section, notwithstanding the provisions of section  
10 1.100, population of a county shall be determined on the basis of the last previous  
11 decennial census of the United States; and, beginning after certification of the  
12 year 2000 decennial census, on the basis of annual population estimates prepared  
13 by the United States Bureau of the Census, provided that the number of associate  
14 circuit judge positions in a county shall be adjusted only after population

15 estimates for three consecutive years indicate population change in the county to  
16 a level provided by subsection 1 of this section.

17 3. Except in circuits where associate circuit judges are selected under the  
18 provisions of sections 25(a) to (g) of article V of the constitution, the election of  
19 associate circuit judges shall in all respects be conducted as other elections and  
20 the returns made as for other officers.

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

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

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

478.370. 1. **Until the supreme court acts to transfer judicial  
2 positions, as the administration of justice requires, pursuant to the  
3 authority granted to it under section 478.011,** there shall be four circuit  
4 judges in the fifth judicial circuit consisting of the counties of Buchanan and  
5 Andrew. These judges shall sit in divisions numbered one, two, three and four.

6 2. The circuit judge in division two shall be elected in 1980. The circuit  
7 judges in divisions one, three and four shall be elected in 1982.

478.375. **Until the supreme court acts to transfer judicial  
2 positions, as the administration of justice requires, pursuant to the  
3 authority granted to it under section 478.011,** at such time as a new jail or  
4 law enforcement center is constructed within the sixth judicial circuit, a new  
5 circuit judgeship shall be added.

478.385. **Until the supreme court acts to transfer judicial  
2 positions, as the administration of justice requires, pursuant to the  
3 authority granted to it under section 478.011,** there shall be four circuit  
4 judges in the seventh judicial circuit consisting of the county of Clay.

478.387. **Until the supreme court acts to transfer judicial  
2 positions, as the administration of justice requires, pursuant to the  
3 authority granted to it under section 478.011,** there shall be twenty-four  
4 circuit judges in the twenty-second judicial circuit consisting of the city of

5 St. Louis.

478.437. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, the circuit court of the county  
4 of St. Louis, comprising circuit number twenty-one, shall be composed of  
5 nineteen divisions and nineteen judges and each of the judges shall separately try  
6 causes, exercise the powers and perform all the duties imposed upon circuit  
7 judges.

478.527. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be three circuit  
4 judges in the twenty-ninth judicial circuit consisting of the county of  
5 Jasper. These judges shall sit in divisions numbered one, two and three.

6 2. The circuit judge of division two shall be elected in 1980. The circuit  
7 judges of divisions one and three shall be elected in 1982.

478.463. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be nineteen  
4 circuit judges in the sixteenth judicial circuit consisting of the county of  
5 Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four,  
6 six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and eighteen  
7 shall sit at the city of Kansas City and divisions two, five, sixteen and seventeen  
8 shall sit at the city of Independence. Division nineteen shall sit at both the city  
9 of Kansas City and the city of Independence. Notwithstanding the foregoing  
10 provisions, the judge of the probate division shall sit at both the city of Kansas  
11 City and the city of Independence.

478.513. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be five circuit  
4 judges in the thirty-first judicial circuit consisting of the county of Greene. These  
5 judges shall sit in divisions numbered one, two, three, four and five.

6 2. The circuit judge in division three shall be elected in 1980. The circuit  
7 judges in divisions one, four and five shall be elected in 1982. The circuit judge  
8 in division two shall be elected in 1984.

478.550. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**

3 **authority granted to it under section 478.011**, there shall be four circuit  
4 judges in the twenty-third judicial circuit consisting of the county of  
5 Jefferson. These judges shall sit in divisions numbered one, two, three and  
6 four. Beginning on January 1, 2007, there shall be six circuit judges in the  
7 twenty-third judicial district and these judges shall sit in divisions numbered one,  
8 two, three, four, five, and six. The division eleven associate circuit judge position  
9 and the division twelve associate circuit judge shall become circuit judge positions  
10 beginning January 1, 2007. The division eleven associate circuit judge shall be  
11 numbered as division five and the division twelve associate circuit judge shall be  
12 numbered as division six.

13 2. The circuit judge in division three shall be elected in 1980. The circuit  
14 judges in divisions one and four shall be elected in 1982. The circuit judge in  
15 division two shall be elected in 1984. The circuit judges in divisions five and six  
16 shall be elected for a six-year term in 2006.

17 3. Beginning January 1, 2007, the family court commissioner position in  
18 the twenty-third judicial district appointed under section 487.020 shall become  
19 an associate circuit judge position in all respects and shall be designated as  
20 division eleven. This position may retain the duties and responsibilities with  
21 regard to the family court. The associate circuit judge in division eleven shall be  
22 elected in 2006 for a full four-year term. This associate circuit judgeship shall  
23 not be included in the statutory formula for authorizing additional associate  
24 circuit judgeships per county under section 478.320.

25 4. Beginning January 1, 2007, the drug court commissioner position in the  
26 twenty-third judicial district appointed under section 478.003 shall become an  
27 associate circuit judge position in all respects and shall be designated as division  
28 twelve. This position may retain the duties and responsibilities with regard to  
29 the drug court. The associate circuit judge in division twelve shall be elected in  
30 2006 for a full four-year term. This associate circuit judgeship shall not be  
31 included in the statutory formula for authorizing additional associate circuit  
32 judgeships per county under section 478.320.

478.570. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the seventeenth judicial circuit consisting of the counties of Cass and  
5 Johnson. These judges shall sit in divisions numbered one and two.

6 2. The circuit judge in division two shall be elected in 1980. The circuit

7 judge in division one shall be elected in 1982.

8 3. Beginning on January 1, 2006, there shall be one additional associate  
9 circuit judge position in Cass County than is provided under section 478.320.

478.600. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be four circuit  
4 judges in the eleventh judicial circuit consisting of the county of  
5 St. Charles. These judges shall sit in divisions numbered one, two, three and  
6 four. Beginning on January 1, 2007, there shall be six circuit judges in the  
7 eleventh judicial circuit and these judges shall sit in divisions numbered one, two,  
8 three, four, five, and seven. The division five associate circuit judge position and  
9 the division seven associate circuit judge position shall become circuit judge  
10 positions beginning January 1, 2007, and shall be numbered as divisions five and  
11 seven.

12 2. The circuit judge in division two shall be elected in 1980. The circuit  
13 judge in division four shall be elected in 1982. The circuit judge in division one  
14 shall be elected in 1984. The circuit judge in division three shall be elected in  
15 1992. The circuit judges in divisions five and seven shall be elected for a six-year  
16 term in 2006.

17 3. Beginning January 1, 2007, the family court commissioner positions in  
18 the eleventh judicial circuit appointed under section 487.020 shall become  
19 associate circuit judge positions in all respects and shall be designated as  
20 divisions nine and ten respectively. These positions may retain the duties and  
21 responsibilities with regard to the family court. The associate circuit judges in  
22 divisions nine and ten shall be elected in 2006 for full four-year terms.

23 4. Beginning on January 1, 2007, the drug court commissioner position in  
24 the eleventh judicial circuit appointed under section 478.003 shall become an  
25 associate circuit judge position in all respects and shall be designated as division  
26 eleven. This position retains the duties and responsibilities with regard to the  
27 drug court. Such associate circuit judge shall be elected in 2006 for a full  
28 four-year term. This associate circuit judgeship shall not be included in the  
29 statutory formula for authorizing additional associate circuit judgeships per  
30 county under section 478.320.

478.610. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be three circuit

4 judges in the thirteenth judicial circuit consisting of the counties of Boone and  
5 Callaway. These judges shall sit in divisions numbered one, two and  
6 three. Beginning on January 1, 2007, there shall be four circuit judges in the  
7 thirteenth judicial circuit and these judges shall sit in divisions numbered one,  
8 two, three, and four.

9           2. The circuit judge in division two shall be elected in 1980. The circuit  
10 judges in divisions one and three shall be elected in 1982. The circuit judge in  
11 division four shall be elected in 2006 for a two-year term and thereafter in 2008  
12 for a full six-year term.

13           3. The authority for a majority of judges of the thirteenth judicial circuit  
14 to appoint or retain a commissioner pursuant to section 478.003 shall expire  
15 August 28, 2001. As of such date, there shall be one additional associate circuit  
16 judge position in Boone County than is provided pursuant to section 478.320.

478.625. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, beginning on January 1,  
4 2003, there shall be three circuit judges in the nineteenth judicial circuit  
5 consisting of the county of Cole.

6           2. One circuit judge shall be first elected in 1982. The second circuit  
7 judge shall be first elected in 1984. The third circuit judge shall be first elected  
8 in 2002.

9           3. Effective January 1, 2003, there shall be one less associate circuit judge  
10 in Cole County than is provided pursuant to section 478.320.

478.630. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the twentieth judicial circuit consisting of the counties of Franklin,  
5 Gasconade and Osage. These judges shall sit in divisions numbered one and two.

6           2. The circuit judge in division two shall be elected in 1980. The circuit  
7 judge in division one shall be elected in 1982.

478.690. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the twenty-fourth judicial circuit consisting of the counties of Madison,  
5 St. Francois, Ste. Genevieve and Washington. These judges shall sit in divisions  
6 numbered one and two.

7           2. The circuit judges in divisions one and two shall be elected in 1982.

478.700. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the twenty-fifth judicial circuit consisting of the counties of Maries,  
5 Phelps, Pulaski and Texas. These judges shall sit in divisions numbered one and  
6 two.

7           2. The circuit judge in division two shall be elected in 1980. The circuit  
8 judge in division one shall be elected in 1982.

478.705. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the twenty-sixth judicial circuit consisting of the counties of Camden,  
5 Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions  
6 numbered one and two.

7           2. The circuit judge in division two shall be elected in 1980. The circuit  
8 judge in division one shall be elected in 1982.

478.710. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the thirty-second judicial circuit consisting of the counties of Perry,  
5 Bollinger and Cape Girardeau. These judges shall sit in two divisions numbered  
6 one and two.

7           2. The circuit judge in division two shall be elected in 1982. The circuit  
8 judge in division one shall be elected in 1984.

478.715. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be two circuit  
4 judges in the forty-second judicial circuit consisting of the counties of Crawford,  
5 Dent, Iron, Reynolds and Wayne. These judges shall sit in divisions numbered  
6 one and two.

7           2. The circuit judge in division one shall be elected in 1982. The circuit  
8 judge in division two shall be elected in 1984.

478.730. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011**, there shall be one circuit



4 judge in the forty-fourth judicial circuit consisting of the counties of Douglas,  
5 Ozark, and Wright. The first judge to sit in this circuit shall be appointed by the  
6 governor on January 1, 1982, and shall serve until his successor is duly elected  
7 in 1982 and takes office on the first Monday in January of 1983.

478.750. 1. **Until the supreme court acts to transfer judicial**  
2 **positions, as the administration of justice requires, pursuant to the**  
3 **authority granted to it under section 478.011,** as of January 1, 1983, there  
4 shall be two circuit judges in the forty-third judicial circuit consisting of the  
5 counties of Clinton, Caldwell, Daviess, Livingston, and DeKalb. These judges  
6 shall sit in divisions numbered one and two.

7 2. A circuit judge shall be elected for each division in 1982. Candidates  
8 for the office of circuit judge shall file by division.

✓

Bill

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