

FIRST REGULAR SESSION

SENATE BILL NO. 482

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1969S.011

AN ACT

To repeal section 478.250, RSMo, and to enact in lieu thereof one new section relating to a special armed offender docket in any circuit court in a city not within a county.

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

Section A. Section 478.250, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 478.250, to read as follows:

478.250. 1. Until otherwise provided by court rule authorized by the
2 constitution or by court order authorized by law, cases shall continue to be filed
3 in the same places and the same filing, docketing and assignment of case
4 procedures shall apply as were in effect on January 1, 1979, with respect to the
5 same categories of cases.

6 2. In those counties with centralized filing, if a case is within those
7 categories of cases enumerated in subdivisions (1) and (2) of subsection 1 of
8 section 517.011, the plaintiff when filing the case may designate at the time of
9 filing that the case shall be heard and determined under the civil practice and
10 procedure applicable before circuit judges, and in such event the case shall be
11 heard and determined by a circuit judge unless an associate circuit judge shall
12 be assigned or transferred to hear and determine the case pursuant to section
13 478.240 or 478.245 or section 6 of article V of the constitution. If no such
14 designation is made, the case shall be heard and determined under chapter 517.

15 3. In the assignment of cases to associate circuit judges in circuit courts
16 with more than one resident associate circuit judge, insofar as is reasonably
17 possible and consistent with the proper administration of justice, assignments
18 made either pursuant to local circuit court rule or by the presiding judge:

19 (1) Shall not effect an assignment of the cause from the courthouse where

20 the case is filed to another courthouse in the county for hearing without the
21 consent of the parties shown except for good cause shown; and

22 (2) Shall be made in such manner as will assure that when a litigant or
23 counsel simultaneously file a number of cases of a similar character to be heard
24 before an associate circuit judge, such cases will be assigned as a group to a
25 single associate circuit judge or in such other manner as will reasonably assure
26 that they will be processed and heard without setting or return date conflicts
27 which would require counsel to appear on multiple occasions or at conflicting
28 times.

29 4. The provisions of subsection 3 of this section shall apply as to
30 assignments made where a centralized docketing procedure has been adopted by
31 local court order under the provisions of subsection 4 of section 478.245.

32 **5. In order to deter the use of firearms in the commission of**
33 **violent crime, and to protect the law abiding public, there must be**
34 **urgent, consistent, and transparent disposition of gun related offenses**
35 **in our courts. To help accomplish this purpose:**

36 (1) **There shall be established a special docket within the circuit**
37 **court of any city not within a county for all matters of hearing, setting**
38 **of bail, or other pretrial matters, trial, sentencing, and supervision of**
39 **the accused or convicted in actions brought pursuant to chapter 571**
40 **and section 569.020 on or after the effective date of the creation of said**
41 **special docket;**

42 (2) **The presiding judge of a circuit court of any city not within**
43 **a county shall organize the docket and assign two circuit judges for a**
44 **term of not less than two years to preside over such docket and assign**
45 **such other personnel to the extent warranted to exclusively hear and**
46 **decide all criminal actions involving offenses committed in any city not**
47 **within a county wherein the lead charge is brought pursuant to any**
48 **violation of chapter 571 or section 569.020, and it shall be referred to**
49 **as the "Armed Offender Docket" for the circuit court of any city not**
50 **within a county;**

51 (3) **The presiding judge of a circuit court of any city not within**
52 **a county shall assist in coordinating and sharing information**
53 **concerning the armed offender docket as may reasonably be requested**
54 **by the Department of Criminology and Criminal Justice at the**
55 **University of Missouri-St. Louis and the municipal police department,**
56 **prosecuting attorney, circuit attorney, and state or municipal office of**

57 **probation and parole with jurisdiction in a city not within a county;**

58 **(4) Within six months of each anniversary of the creation of any**
59 **armed offender docket, the circuit court of a city not within a county**
60 **shall provide and publish a public report on the operations of the**
61 **armed offender docket, including any commentary on such operations**
62 **as may be offered by the Department of Criminology and Criminal**
63 **Justice at the University of Missouri-St. Louis, and the municipal police**
64 **department, prosecuting attorney, circuit attorney, and state or**
65 **municipal office of probation and parole with jurisdiction in a city not**
66 **within a county;**

67 **(5) The armed offender docket shall continue operations for not**
68 **less than sixty months, after which time it may be continued or**
69 **discontinued in the discretion of the presiding judge of a circuit court**
70 **of any city not within a county.**

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Bill

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