

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/HCS/House Bill No. 192, Page 4, Section 386.515, Line 1,

2 by inserting after all of said line the following:

3 "479.020. 1. Any city, town or village, including those
4 operating under a constitutional or special charter, may, and
5 cities with a population of four hundred thousand or more shall,
6 provide by ordinance or charter for the selection, tenure and
7 compensation of a municipal judge or judges consistent with the
8 provisions of this chapter who shall have original jurisdiction
9 to hear and determine all violations against the ordinances of
10 the municipality. The method of selection of municipal judges
11 shall be provided by charter or ordinance. Each municipal judge
12 shall be selected for a term of not less than two years as
13 provided by charter or ordinance.

14 2. Except where prohibited by charter or ordinance, the
15 municipal judge may be a part-time judge and may serve as
16 municipal judge in more than one municipality.

17 3. No person shall serve as a municipal judge of any
18 municipality with a population of seven thousand five hundred or
19 more or of any municipality in a county of the first class with a
20 charter form of government unless the person is licensed to
21 practice law in this state unless, prior to January 2, 1979, such
22 person has served as municipal judge of that same municipality
23 for at least two years.

24 4. Notwithstanding any other statute, a municipal judge

1 need not be a resident of the municipality or of the circuit in
2 which the municipal judge serves except where ordinance or
3 charter provides otherwise. Municipal judges shall be residents
4 of Missouri.

5 5. Judges selected under the provisions of this section
6 shall be municipal judges of the circuit court and shall be
7 divisions of the circuit court of the circuit in which the
8 municipality, or major geographical portion thereof, is located.
9 The judges of these municipal divisions shall be subject to the
10 rules of the circuit court which are not inconsistent with the
11 rules of the supreme court. The presiding judge of the circuit
12 shall have general administrative authority over the judges and
13 court personnel of the municipal divisions within the circuit.

14 6. No municipal judge shall hold any other office in the
15 municipality which the municipal judge serves as judge. The
16 compensation of any municipal judge and other court personnel
17 shall not be dependent in any way upon the number of cases tried,
18 the number of guilty verdicts reached or the amount of fines
19 imposed or collected.

20 7. Municipal judges shall be at least twenty-one years of
21 age. No person shall serve as municipal judge after that person
22 has reached that person's seventy-fifth birthday.

23 8. Within six months after selection for the position, each
24 municipal judge who is not licensed to practice law in this state
25 shall satisfactorily complete the course of instruction for
26 municipal judges prescribed by the supreme court. The state
27 courts administrator shall certify to the supreme court the names
28 of those judges who satisfactorily complete the prescribed
29 course. If a municipal judge fails to complete satisfactorily

1 the prescribed course within six months after the municipal
2 judge's selection as municipal judge, the municipal judge's
3 office shall be deemed vacant and such person shall not
4 thereafter be permitted to serve as a municipal judge, nor shall
5 any compensation thereafter be paid to such person for serving as
6 municipal judge.

7 9. No municipal judge shall serve as a municipal judge in
8 more than five municipalities at one time. A court that serves
9 more than one municipality shall be treated as a single
10 municipality for the purposes of this subsection.

11 479.190. 1. Any judge hearing violations of municipal
12 ordinances may, when in his judgment it may seem advisable, grant
13 a parole or probation to any person who shall plead guilty or who
14 shall be convicted after a trial before such judge. When a
15 person is placed on probation he shall be given a certificate
16 explicitly stating the conditions on which he is being released.

17 2. In addition to such other authority as exists to order
18 conditions of probation, the court may order conditions which the
19 court believes will serve to compensate the victim of the crime,
20 any dependent of the victim, or society in general. Such
21 conditions may include, but need not be limited to:

22 (1) Restitution to the victim or any dependent of the
23 victim, in an amount to be determined by the judge; and

24 (2) The performance of a designated amount of free work for
25 a public or charitable purpose, or purposes, as determined by the
26 judge.

27 3. A person may refuse probation conditioned on the
28 performance of free work. If he does so, the court shall decide
29 the extent or duration of sentence or other disposition to be

1 imposed and render judgment accordingly. Any county, city,
2 person, organization, or agency, or employee of a county, city,
3 organization or agency charged with the supervision of such free
4 work or who benefits from its performance shall be immune from
5 any suit by the person placed on parole or probation or any
6 person deriving a cause of action from him if such cause of
7 action arises from such supervision of performance, except for
8 intentional torts or gross negligence. The services performed by
9 the probationer or parolee shall not be deemed employment within
10 the meaning of the provisions of chapter 288.

11 4. The court may modify or enlarge the conditions of
12 probation at any time prior to the expiration or termination of
13 the probation term.

14 5. No municipal judge, municipal court personnel, or any
15 prosecutor designated by the municipality or personnel assigned
16 thereto shall supervise or have authority to hire, fire, or
17 discipline any probation officer or probation personnel assigned
18 by the municipality to perform the duties of probation or parole.
19 This subsection shall not apply to any home rule city with more
20 than ninety thousand but fewer than one hundred eight thousand
21 inhabitants and partially located in any county with a charter
22 form of government and with more than six hundred thousand but
23 fewer than seven hundred thousand inhabitants, or a home rule
24 city with more than four hundred thousand inhabitants and located
25 in more than one county.

26 479.275. In any county with a population greater than two
27 hundred fifty thousand inhabitants, no individual in a political
28 subdivision shall concurrently serve as prosecuting attorney and
29 city attorney. This provision does not apply to an individual

1 who serves as a county officer or employee of a county with a
2 charter form of government.

3 479.353. 1. Notwithstanding any provisions to the
4 contrary, the following conditions shall apply to minor traffic
5 violations and municipal ordinance violations:

6 (1) The court shall not assess a fine, if combined with the
7 amount of court costs, totaling in excess of:

8 (a) Two hundred twenty-five dollars for minor traffic
9 violations; and

10 (b) For municipal ordinance violations committed within a
11 twelve-month period beginning with the first violation: two
12 hundred dollars for the first municipal ordinance violation, two
13 hundred seventy-five dollars for the second municipal ordinance
14 violation, three hundred fifty dollars for the third municipal
15 ordinance violation, and four hundred fifty dollars for the
16 fourth and any subsequent municipal ordinance violations;

17 (2) The court shall not sentence a person to confinement,
18 except the court may sentence a person to confinement for any
19 violation involving alcohol or controlled substances, violations
20 endangering the health or welfare of others, or eluding or giving
21 false information to a law enforcement officer;

22 (3) A person shall not be placed in confinement for failure
23 to pay a fine unless such nonpayment violates terms of probation
24 or unless the due process procedures mandated by Missouri supreme
25 court rule 37.65 or its successor rule are strictly followed by
26 the court;

27 (4) Court costs that apply shall be assessed against the
28 defendant unless the court finds that the defendant is indigent
29 based on standards set forth in determining such by the presiding

1 judge of the circuit. Such standards shall reflect model rules
2 and requirements to be developed by the supreme court; and

3 (5) No court costs shall be assessed if the defendant is
4 found to be indigent under subdivision (4) of this section or if
5 the case is dismissed.

6 2. If an individual has been held in custody on a notice to
7 show cause or an arrest warrant for an underlying minor traffic
8 violation, the court, on its own motion or on the motion of any
9 interested party, may review the original fine and sentence and
10 waive or reduce such fine or sentence if the court finds it
11 reasonable given the circumstances of the case.

12 479.354. For any notice to appear, citation, or summons on
13 a minor traffic violation, the date and time the defendant is to
14 appear in court shall be given when such notice to appear,
15 citation, or summons is first provided to the defendant. If said
16 notice is not properly given, the court shall reissue the notice,
17 citation, or summons to the defendant and shall specifically set
18 forth the date and time for the defendant to appear."; and

19 Further amend the title and enacting clause accordingly.