

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.

11 479.353. 1. Notwithstanding any provisions to the
12 contrary, the following conditions shall apply to minor traffic
13 violations and municipal ordinance violations:

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

16 (a) Two hundred twenty-five dollars for minor traffic
17 violations; and

18 (b) For municipal ordinance violations committed within a
19 twelve-month period beginning with the first violation: two
20 hundred dollars for the first municipal ordinance violation, two
21 hundred seventy-five dollars for the second municipal ordinance
22 violation, three hundred fifty dollars for the third municipal
23 ordinance violation, and four hundred fifty dollars for the
24 fourth and any subsequent municipal ordinance violations;

25 (2) The court shall not sentence a person to confinement,
26 except the court may sentence a person to confinement for any
27 violation involving alcohol or controlled substances, violations
28 endangering the health or welfare of others, or eluding or giving
29 false information to a law enforcement officer;

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

6 (4) Court costs that apply shall be assessed against the
7 defendant unless the court finds that the defendant is indigent
8 based on standards set forth in determining such by the presiding
9 judge of the circuit. Such standards shall reflect model rules
10 and requirements to be developed by the supreme court; and

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

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

20 479.354. For any notice to appear, citation, or summons on
21 a minor traffic violation, the date and time the defendant is to
22 appear in court shall be given when such notice to appear,
23 citation, or summons is first provided to the defendant. If said
24 notice is not properly given, the court shall reissue the notice,
25 citation, or summons to the defendant and shall specifically set
26 forth the date and time for the defendant to appear."; and

27 Further amend the title and enacting clause accordingly.