

SENATE BILL NO. 940

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

3308S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 512.180, RSMo, and to enact in lieu thereof one new section relating to transfer of appeals.

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

Section A. Section 512.180, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 512.180,
3 to read as follows:

512.180. 1. Any person aggrieved by a **final** judgment
2 **entered** in a civil case, **summarily or involuntarily, with**
3 **prejudice, or** tried without a jury, before an associate
4 circuit judge, other than an associate circuit judge sitting
5 in the probate division or who has been assigned to hear the
6 case on the record under procedures applicable before
7 circuit judges, **and in all cases disposed of summarily or**
8 **involuntarily, with prejudice, or tried without a jury,**
9 **before a municipal court or under the provisions of chapters**
10 **482, 534, and 535,** shall have the right of **either** a trial de
11 novo [in all cases tried before municipal court or under the
12 provisions of chapter 482 or 535] **or a direct appeal upon**
13 **the record to the appropriate appellate court.**

14 2. In all other contested civil cases tried with or
15 without a jury before an associate circuit judge or on
16 assignment under such procedures applicable before circuit
17 judges or in any misdemeanor case or county ordinance
18 violation case a record shall be kept, and any person

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 aggrieved by a judgment rendered in any such case may have
20 an appeal upon that record to the appropriate appellate
21 court. At the discretion of the judge, but in compliance
22 with the rules of the Supreme Court, the record may be a
23 stenographic record or one made by the utilization of
24 electronic, magnetic, or mechanical sound or video recording
25 devices.

26 **3. In all proceedings reviewable on appeal by trial de**
27 **novi, by the supreme court or a court of appeals, appeals**
28 **shall go directly to the court or district having**
29 **jurisdiction, but want of jurisdiction shall not be grounds**
30 **for dismissal, and the proceeding shall be transferred to**
31 **the circuit or appellate court having jurisdiction. An**
32 **original action filed in a court lacking jurisdiction or**
33 **venue shall be transferred to the appropriate court.**

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