

SENATE BILL NO. 297

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0044S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 476, RSMo, by adding thereto one new section relating to the timing of proceedings in courts, with penalty provisions.

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

Section A. Chapter 476, RSMo, is amended by adding thereto one new section, to be known as section 476.1010, to read as follows:

476.1010. 1. Orders and judgments on motions, hearings, and trials for cases filed in circuit courts of this state shall be reduced to writing and entered by the court within thirty days after such matter is fully briefed in writing or if heard on oral argument, after conclusion of any hearing or trial, fully briefed, and submitted to the court or a commissioner of the court; provided, for good cause shown, the court or commissioner, by written order citing the cause for the extension on the record, may extend the time for entry of the written order or judgment for an additional thirty days, and for one additional thirty-day period, to a maximum of ninety days from the date the matter, motion, hearing, trial, verdict, or case was taken under submission.

2. Within ten days after the court receives a request from a party for a hearing date on a motion that shall be heard on the record or a request for a trial date, the court or commissioner shall set a fixed date and time for hearing

19 such motion or trial on any cases pending before the court.
 20 No hearing or trial date shall be continued generally, but
 21 instead the court shall continue the hearing or the trial to
 22 a date certain, not greater than ninety days from the
 23 previous trial or hearing date; provided, however, the case
 24 shall be finally disposed pursuant to the time frames as
 25 provided in subsection 3 of this section.

26 3. Within sixty days after process has been served
 27 upon at least one of the defendants, the court, upon
 28 consultation with the parties over whom the court has
 29 personal jurisdiction, shall establish a track for each case
 30 pending in the court. During the proceedings, the court
 31 may, upon consultation with the parties, reassign a case to
 32 a different track from the initial track to which it had
 33 been assigned. Except as otherwise established by supreme
 34 court rule, the time for final disposition of cases by
 35 judgment on the merits or by dismissal, after the date on
 36 which the first defendant or respondent has been personally
 37 served process, shall be as follows:

Track	1	2	3	4
Circuit Civil	12 months	24 months	30 months	36 months
Domestic Relations	4 months	10 months	14 months	18 months
Associate Civil	4 months	6 months	12 months	16 months
Circuit Felony	4 months	10 months	14 months	18 months
Associate Criminal	3 months	6 months	8 months	12 months

49 4. The supreme court shall by rule establish case
50 processing time standards to ensure the prompt and fair
51 disposition of cases filed in the circuit courts of this
52 state. Such rules shall fix the maximum amount of time by
53 which a court or commissioner shall enter written rulings,
54 orders, and judgments of the court on motions, hearings, and
55 trials after being submitted to the court or commissioner
56 and the maximum amount of time that a case shall be disposed
57 of after being filed and final judgment entered therein.
58 Such rules may extend or modify the time standards set forth
59 in subsections 1 to 3 of this section.

60 5. Upon failure, refusal, or neglect of a judge or
61 commissioner to comply with the time standards set forth in
62 this section or as established by the supreme court, a party
63 to a proceeding pending in a circuit court may seek mandamus
64 as provided by the supreme court rules to compel issuance of
65 orders and judgments and the setting of hearings and trials
66 in compliance with the time standards set forth in this
67 section or as established by the supreme court.

68 6. Except for exceptional circumstances shown, all
69 judges and commissioners of the circuit courts, who violate
70 the provisions or requirements relative to the time within
71 which they shall render decisions or set hearings or trials
72 as provided in this section, shall be fined at the rate of
73 one hundred dollars per day for each day in which they fail
74 to issue or enter a written order or judgment or set
75 hearings or trials in violation of the time standards set
76 forth in this section or as established by the supreme court
77 and shall, for multiple violations, be subject to removal,
78 suspension, fine, or other forms of discipline for willful
79 neglect of duty pursuant to Section 24 of Article V of the
80 Constitution of Missouri.

81 7. Any interested party, official, or member of the
82 public may notify the commission on retirement, removal, and
83 discipline of any failure on the part of a judge or
84 commissioner to enter a written order or judgment or set
85 hearings or trials within the time frames prescribed in this
86 section. Upon the court of appeals or the supreme court
87 issuing a writ of mandamus mandating compliance with the
88 time standards in this section, the clerk of such court
89 shall notify the commission on retirement, removal, and
90 discipline of the issuance of such mandate. Upon receipt of
91 such notices, the commission shall issue an order for the
92 judge or commissioner to show cause as to why the judge or
93 commissioner shall not be penalized as set forth in
94 subsection 6 of this section for willful neglect of duty.
95 After such notice and hearing, if the commission finds
96 against the judge or commissioner, the commission shall
97 recommend that the supreme court order the payment by such
98 judge or commissioner the sum of one hundred dollars per day
99 for each day on which the judge or commissioner fails to
100 issue or enter a written order or judgment or set a hearing
101 or trial, in violation of the time standards set forth in
102 this section or as established by the supreme court, which
103 amounts shall be paid into the state school moneys fund and
104 distributed in the manner provided in section 163.031. Upon
105 a finding that a judge or commissioner has been guilty of
106 multiple violations of time standards, the commission may
107 recommend that such judge or commissioner be removed,
108 suspended, fined, or disciplined for willful neglect of duty
109 pursuant to Section 24 of Article V of the Constitution of
110 Missouri.

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