

SECOND REGULAR SESSION

# SENATE BILL NO. 906

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time February 11, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3815.011

## AN ACT

To repeal sections 478.320 and 478.437, RSMo 1994, and section 487.020, RSMo Supp. 1997, relating to judges in certain judicial circuits, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 478.320 and 478.437, RSMo 1994, and section 487.020, RSMo Supp. 1997, are repealed and three new sections enacted in lieu thereof, to be known as sections 478.320, 478.437 and 487.020, to read as follows:

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be two associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants or major fraction thereof.

2. In addition to the associate circuit judges authorized by subsection 1 of this section, one additional associate circuit judge is authorized for each magistrate which was provided in the county pursuant to the provisions of subsection 3 of section 482.010, RSMo, in effect on January 1, 1979. [Additional associate circuit judges may be authorized in particular counties by law hereafter enacted.]

**3. The number of associate circuit judges authorized for St. Louis County shall be reduced by the number of additional circuit judges authorized for the twenty-first judicial circuit, as provided by subsection 2 of section 478.437.**

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

[3.] **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.] **5.** In counties where associate circuit judges are elected, they shall be elected by the county at large.

[5.] **6.** No associate circuit judge shall practice law, or do a law business, nor shall he accept, during his term of office, any public appointment for which he receives compensation for his services.

[6.] **7.** No person shall be elected as an associate circuit judge unless he has resided in the county for which he is to be elected at least one year prior to the date of his election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. **1. Prior to August 28, 1998,** the circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

**2. On and after August 28, 1998, five additional divisions and five additional circuit judges are authorized for the circuit court of the twenty-first judicial circuit. The procedure for adding these judges shall be as follows:**

**(1) On and after August 28, 1998, the next five associate circuit judge positions which become vacant shall be considered abolished; and**

**(2) A vacancy in a circuit judge position shall be deemed to exist, and a circuit judge shall be appointed as provided by sections 25(a) to (g) of article V of the constitution.**

**The provisions of this subsection shall apply only to the first five vacancies in associate circuit judge positions in the twenty-first judicial circuit which occur on and after August 28, 1998.**

487.020. 1. In each circuit or a county having a family court, **except first classification counties with a population of at least 210,000 but less than 400,000 that have a charter form of government,** a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. **All other counties having a family court shall elect family court commissioners who shall serve four year terms.** Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint **or call for an election of new commissioners in first classification counties with a population of at**

**least 210,000 but less than 400,000 that have a charter form of government**, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed **or elected** only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed **or elected** pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit judges and commissioners authorized to hear actions classified under section 487.080.

2. Each commissioner of the family court shall possess the same qualifications as a circuit judge. The compensation and retirement benefits of each commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as that of an associate circuit judge.

Bill

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