

FIRST REGULAR SESSION

HOUSE BILL NO. 546

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), STEVENSON, RUESTMAN,
JONES (89) AND CHAPPELLE-NADAL (Co-sponsors).

1427L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 478.003 and 487.020, RSMo, and to enact in lieu thereof two new sections relating to drug court commissioners also being appointed as family court commissioners.

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

Section A. Sections 478.003 and 487.020, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 478.003 and 487.020, to read as follows:

478.003. **1.** In any judicial circuit of this state, a majority of the judges of the circuit
2 court may designate a judge to hear cases arising in the circuit subject to the provisions of
3 sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds
4 available for such purpose, a majority of the judges of the circuit court may appoint a person or
5 persons to act as drug court commissioners. Each commissioner shall be appointed for a term
6 of four years, but may be removed at any time by a majority of the judges of the circuit court.
7 The qualifications and compensation of the commissioner shall be the same as that of an
8 associate circuit judge. If the compensation of a commissioner appointed pursuant to this section
9 is provided from other than state funds, the source of such fund shall pay to and reimburse the
10 state for the actual costs of the salary and benefits of the commissioner. The commissioner shall
11 have all the powers and duties of a circuit judge, except that any order, judgment or decree of the
12 commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of
13 record entered within the time the judge could set aside such order, judgment or decree had the
14 same been made by the judge. If so confirmed, the order, judgment or decree shall have the same
15 effect as if made by the judge on the date of its confirmation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **2. A drug court commissioner may under the provisions of section 487.020, RSMo,**
17 **also be appointed to serve as a family court commissioner.**

 487.020. 1. In each circuit or a county having a family court, a majority of the circuit
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc
7 may appoint, in addition to those commissioners serving as commissioners of the juvenile
8 division and becoming commissioners of the family court pursuant to the provisions of sections
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190
12 may be appointed only to the extent that the state is reimbursed for the salaries of the
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by
14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four
15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions
17 classified under section 487.080.

18 2. The circuit court in the eleventh judicial circuit may, in substitution of a family court
19 commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint
20 one family court commissioner whose compensation shall be payable by the state without
21 necessity of reimbursement. The provisions of this subsection shall not be construed to allow
22 appointment of a family court commissioner in addition to the number of such family court
23 commissioners holding office in the eleventh judicial circuit as of January 1, 1999, and the
24 appointment of the state-paid commissioner shall be subject to appropriations for such purpose.

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

29 **4. In each circuit or a county having a family court established under this chapter**
30 **and a drug court commissioner appointed under the provisions of chapter 478, RSMo, a**
31 **majority of the circuit and associate circuit judges en banc, in the circuit, may appoint the**
32 **drug court commissioner, if available and needed, to serve additional duty as a family**
33 **court commissioner at no additional compensation. Such drug court commissioner shall**
34 **meet all of the qualifications and possess all of the powers of a regular family court**

35 **commissioner under the provisions of this chapter, in all cases in which he or she is sitting**
36 **as a family court commissioner.**

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