

FIRST REGULAR SESSION

HOUSE BILL NO. 374

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

0987H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

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

Section A. Sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 478.011, 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, to read as follows:

478.011. 1. The Missouri supreme court may make permanent transfers of judicial positions from one circuit to another as the administration of justice requires, subject to the minimum number of judges set forth in article V of the constitution of Missouri, and shall establish rules and standards with respect thereto.

2. When a vacancy occurs in a circuit judge or associate circuit judge position, the supreme court may make a determination to transfer the vacant position to another circuit.

3. For purposes of this section, the term "vacancy" shall mean the death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge, and vacancy shall not mean failure to win a partisan election.

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.

10 **4. In determining whether the judicial position should be transferred, the supreme**
11 **court shall use the following criteria:**

12 **(1) Analysis of a judicial workload study;**

13 **(2) Whether litigants in the circuit have adequate access to the courts;**

14 **(3) Population of the circuit;**

15 **(4) Judicial duties and travel time involved in the circuit; and**

16 **(5) Other criteria that the supreme court deems relevant.**

17 **5. If the supreme court decides to transfer the judicial position, the position shall**
18 **be filled in the manner provided by law for that circuit, and the position vacated shall cease**
19 **to exist at the time the new position is filled.**

20 **6. The total number of circuit judge and associate circuit judge positions in**
21 **existence as of August 28, 2013, shall not be altered, unless by law, and any supreme court**
22 **order changing the total number of judicial positions, through either creation or**
23 **elimination, shall be null and void.**

24 **7. The authority granted to the supreme court in this section shall supersede and**
25 **prevail over sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513,**
26 **478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705,**
27 **478.710, 478.715, 478.730, and 478.750.**

 478.320. 1. **Subject to section 478.011 granting the supreme court the authority to**
2 **transfer judicial positions as the administration of justice requires,** in counties having a
3 population of thirty thousand or less, there shall be one associate circuit judge. In counties
4 having a population of more than thirty thousand and less than one hundred thousand, there shall
5 be two associate circuit judges. In counties having a population of one hundred thousand or
6 more, there shall be three associate circuit judges and one additional associate circuit judge for
7 each additional one hundred thousand inhabitants.

8 2. For purposes of this section, notwithstanding the provisions of section 1.100,
9 population of a county shall be determined on the basis of the last previous decennial census of
10 the United States; and, beginning after certification of the year 2000 decennial census, on the
11 basis of annual population estimates prepared by the United States Bureau of the Census,
12 provided that the number of associate circuit judge positions in a county shall be adjusted only
13 after population estimates for three consecutive years indicate population change in the county
14 to a level provided by subsection 1 of this section.

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

18 4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate
19 circuit judges shall be elected by the county at large.

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

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

 478.370. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be four circuit judges in the fifth judicial circuit consisting of the counties
4 of Buchanan and Andrew. These judges shall sit in divisions numbered one, two, three and four.

5 2. The circuit judge in division two shall be elected in 1980. The circuit judges in
6 divisions one, three and four shall be elected in 1982.

 478.375. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, at such time as a new jail or law enforcement center is constructed within the sixth
4 judicial circuit, a new circuit judgeship shall be added.

 478.385. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be four circuit judges in the seventh judicial circuit consisting of the county
4 of Clay.

 478.387. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be twenty-four circuit judges in the twenty-second judicial circuit consisting
4 of the city of St. Louis.

 478.437. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, the circuit court of the county of St. Louis, comprising circuit number twenty-one, shall
4 be composed of nineteen divisions and nineteen judges and each of the judges shall separately
5 try causes, exercise the powers and perform all the duties imposed upon circuit judges.

 478.527. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be three circuit judges in the twenty-ninth judicial circuit consisting of the
4 county of Jasper. These judges shall sit in divisions numbered one, two and three.

5 2. The circuit judge of division two shall be elected in 1980. The circuit judges of
6 divisions one and three shall be elected in 1982.

478.463. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be nineteen circuit judges in the sixteenth judicial circuit consisting of the
4 county of Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four, six,
5 seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and eighteen shall sit at the city
6 of Kansas City and divisions two, five, sixteen and seventeen shall sit at the city of
7 Independence. Division nineteen shall sit at both the city of Kansas City and the city of
8 Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall
9 sit at both the city of Kansas City and the city of Independence.

478.513. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be five circuit judges in the thirty-first judicial circuit consisting of the
4 county of Greene. These judges shall sit in divisions numbered one, two, three, four and five.

5 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
6 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be
7 elected in 1984.

478.550. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be four circuit judges in the twenty-third judicial circuit consisting of the
4 county of Jefferson. These judges shall sit in divisions numbered one, two, three and four.
5 Beginning on January 1, 2007, there shall be six circuit judges in the twenty-third judicial district
6 and these judges shall sit in divisions numbered one, two, three, four, five, and six. The division
7 eleven associate circuit judge position and the division twelve associate circuit judge shall
8 become circuit judge positions beginning January 1, 2007. The division eleven associate circuit
9 judge shall be numbered as division five and the division twelve associate circuit judge shall be
10 numbered as division six.

11 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
12 divisions one and four shall be elected in 1982. The circuit judge in division two shall be elected
13 in 1984. The circuit judges in divisions five and six shall be elected for a six-year term in 2006.

14 3. Beginning January 1, 2007, the family court commissioner position in the twenty-third
15 judicial district appointed under section 487.020 shall become an associate circuit judge position
16 in all respects and shall be designated as division eleven. This position may retain the duties and
17 responsibilities with regard to the family court. The associate circuit judge in division eleven
18 shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be

19 included in the statutory formula for authorizing additional associate circuit judgeships per
20 county under section 478.320.

21 4. Beginning January 1, 2007, the drug court commissioner position in the twenty-third
22 judicial district appointed under section 478.003 shall become an associate circuit judge position
23 in all respects and shall be designated as division twelve. This position may retain the duties and
24 responsibilities with regard to the drug court. The associate circuit judge in division twelve shall
25 be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included
26 in the statutory formula for authorizing additional associate circuit judgeships per county under
27 section 478.320.

478.570. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be two circuit judges in the seventeenth judicial circuit consisting of the
4 counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

5 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
6 division one shall be elected in 1982.

7 3. Beginning on January 1, 2006, there shall be one additional associate circuit judge
8 position in Cass County than is provided under section 478.320.

478.600. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, there shall be four circuit judges in the eleventh judicial circuit consisting of the county
4 of St. Charles. These judges shall sit in divisions numbered one, two, three and four. Beginning
5 on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these
6 judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five
7 associate circuit judge position and the division seven associate circuit judge position shall
8 become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions
9 five and seven.

10 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
11 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.
12 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five
13 and seven shall be elected for a six-year term in 2006.

14 3. Beginning January 1, 2007, the family court commissioner positions in the eleventh
15 judicial circuit appointed under section 487.020 shall become associate circuit judge positions
16 in all respects and shall be designated as divisions nine and ten respectively. These positions
17 may retain the duties and responsibilities with regard to the family court. The associate circuit
18 judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

19 4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh
20 judicial circuit appointed under section 478.003 shall become an associate circuit judge position
21 in all respects and shall be designated as division eleven. This position retains the duties and
22 responsibilities with regard to the drug court. Such associate circuit judge shall be elected in
23 2006 for a full four-year term. This associate circuit judgeship shall not be included in the
24 statutory formula for authorizing additional associate circuit judgeships per county under section
25 478.320.

 478.610. 1. **Until the supreme court acts to transfer judicial positions, as the
2 administration of justice requires, pursuant to the authority granted to it under section
3 478.011,** there shall be three circuit judges in the thirteenth judicial circuit consisting of the
4 counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and
5 three. Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial
6 circuit and these judges shall sit in divisions numbered one, two, three, and four.

 2. The circuit judge in division two shall be elected in 1980. The circuit judges in
8 divisions one and three shall be elected in 1982. The circuit judge in division four shall be
9 elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

10 3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or
11 retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such
12 date, there shall be one additional associate circuit judge position in Boone County than is
13 provided pursuant to section 478.320.

 478.625. 1. **Until the supreme court acts to transfer judicial positions, as the
2 administration of justice requires, pursuant to the authority granted to it under section
3 478.011,** beginning on January 1, 2003, there shall be three circuit judges in the nineteenth
4 judicial circuit consisting of the county of Cole.

 2. One circuit judge shall be first elected in 1982. The second circuit judge shall be first
6 elected in 1984. The third circuit judge shall be first elected in 2002.

 3. Effective January 1, 2003, there shall be one less associate circuit judge in Cole
8 County than is provided pursuant to section 478.320.

 478.630. 1. **Until the supreme court acts to transfer judicial positions, as the
2 administration of justice requires, pursuant to the authority granted to it under section
3 478.011,** there shall be two circuit judges in the twentieth judicial circuit consisting of the
4 counties of Franklin, Gasconade and Osage. These judges shall sit in divisions numbered one
5 and two.

 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
7 division one shall be elected in 1982.

478.690. 1. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section 478.011,** there shall be two circuit judges in the twenty-fourth judicial circuit consisting of the counties of Madison, St. Francois, Ste. Genevieve and Washington. These judges shall sit in divisions numbered one and two.

2. The circuit judges in divisions one and two shall be elected in 1982.

478.700. 1. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section 478.011,** there shall be two circuit judges in the twenty-fifth judicial circuit consisting of the counties of Maries, Phelps, Pulaski and Texas. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

478.705. 1. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section 478.011,** there shall be two circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

478.710. 1. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section 478.011,** there shall be two circuit judges in the thirty-second judicial circuit consisting of the counties of Perry, Bollinger and Cape Girardeau. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

478.715. 1. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section 478.011,** there shall be two circuit judges in the forty-second judicial circuit consisting of the counties of Crawford, Dent, Iron, Reynolds and Wayne. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division one shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

478.730. **Until the supreme court acts to transfer judicial positions, as the administration of justice requires, pursuant to the authority granted to it under section**

3 **478.011**, there shall be one circuit judge in the forty-fourth judicial circuit consisting of the
4 counties of Douglas, Ozark, and Wright. The first judge to sit in this circuit shall be appointed
5 by the governor on January 1, 1982, and shall serve until his successor is duly elected in 1982
6 and takes office on the first Monday in January of 1983.

478.750. 1. **Until the supreme court acts to transfer judicial positions, as the**
2 **administration of justice requires, pursuant to the authority granted to it under section**
3 **478.011**, as of January 1, 1983, there shall be two circuit judges in the forty-third judicial circuit
4 consisting of the counties of Clinton, Caldwell, Daviess, Livingston, and DeKalb. These judges
5 shall sit in divisions numbered one and two.

6 2. A circuit judge shall be elected for each division in 1982. Candidates for the office
7 of circuit judge shall file by division.

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