

HCS HBs 374 & 434 -- TRANSFER OF JUDICIAL POSITIONS (Cox)

COMMITTEE OF ORIGIN: Committee on Judiciary

This substitute allows the Missouri Supreme Court to 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 Missouri Constitution. The Supreme Court must establish rules and standards regarding these transfers. When a vacancy occurs in a circuit judge or associate circuit judge position, the Supreme Court may transfer the vacant position to another circuit.

"Vacancy" is defined as the death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge but does not include the failure to win a partisan election.

The substitute specifies the criteria that the Supreme Court must use in determining whether the judicial position should be transferred. Any judicial position transferred by the Supreme Court must be filled in the manner provided for by law for that circuit, and the position vacated must cease to exist at the time the new position is filled.

The total number of circuit judge and associate circuit judge positions in existence as of August 28, 2013, must not be altered unless by law. Any Supreme Court order changing the total number of judicial positions, through creation or elimination, must be null and void.