

FIRST REGULAR SESSION

HOUSE BILL NO. 194

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOLENDORP.

0802L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to county municipal courts.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2012, to read as follows:

67.2012. 1. Any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may prosecute and punish violations of its county ordinances pertaining to county building codes, on-site sewer treatment and zoning orders in the circuit court of the county in the manner and to the extent herein provided or in a county municipal court upon adoption by the county commission of an ordinance creating a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established under this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court under this section, the judges for such court shall be appointed by the county commission in the same manner as other county appointed officers. The number of judges appointed and the qualifications for their appointment shall be established by county ordinance. Judges of

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.

18 the county municipal court shall be licensed to practice law in this state and shall be
19 residents of the county. Municipal court judges shall not accept or handle cases in their
20 practice of law which are inconsistent with their duties as a municipal court judge and
21 shall not be a judge or prosecutor for any other court. The ordinance shall also establish
22 the number of divisions of the county municipal court, the court's term, and shall provide
23 for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside
24 the county seat.

25 3. The ordinance establishing the court shall make provisions for appropriate
26 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by
27 telephone or written communication without personal appearance, or to plead guilty and
28 deliver by mail or electronic transfer or other approved method the specified amount of
29 the fine and costs as otherwise provided by law, within a specified period of time.

30 4. The county may by ordinance provide for court costs not to exceed the sum
31 which may be provided by municipalities for municipal violations before municipal courts.
32 The county municipal judge may assess costs against a defendant who pleads guilty or is
33 found guilty except in those cases where the defendant is found by the judge to be indigent
34 and unable to pay the costs. The costs authorized in this subsection are in addition to
35 service costs, witness fees, and jail costs or fees. Such costs shall be collected by the
36 authorized clerk and deposited into the county treasury.

37 5. The ordinance shall provide for recording of proceedings. In the event that the
38 proceedings are not recorded, a person aggrieved by a judgment of a traffic judge or
39 commissioner shall have the right of a trial de novo. The procedures for perfecting the
40 right of a trial de novo shall be the same as that provided in sections 512.180 to 512.320,
41 except that subsection 2 of section 512.180 shall not apply to such cases. In the event that
42 the proceedings are recorded, all final decisions of the county municipal court shall be
43 appealable on such record to the appellate court with appropriate jurisdiction.

44 6. Any person charged with the violation of a county ordinance in a county which
45 has established a county municipal court under this section shall, upon request, be entitled
46 to a trial by jury before a county municipal court judge. Any jury trial shall be heard, and
47 a record shall be made.

48 7. If a county elects to have the violations of its county ordinances adopted
49 pertaining to county building codes, on-site sewer treatment and zoning orders heard and
50 determined by an associate circuit judge, the associate circuit judge or judges shall
51 commence hearing and determining such violations six months after the county notifies the
52 presiding judge of the circuit of its election. With the consent of the presiding judge, the
53 associate circuit judge or judges may commence hearing such violations at an earlier date.