

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1171

96TH GENERAL ASSEMBLY

4651L.02T

2012

AN ACT

To repeal sections 67.320 and 211.031, RSMo, and to enact in lieu thereof two new sections relating to courts.

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

Section A. Sections 67.320 and 211.031, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.320 and 211.031, to read as follows:

67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants** may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. **Except as provided in subsection 5 of this section** in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be

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.

15 appointed by the county commission of such county, subject to confirmation by the legislative
16 body of such county in the same manner as confirmation for other county appointed officers.
17 The number of judges appointed, and qualifications for their appointment, shall be established
18 by order of the commission.

19 3. The practice and procedure of each prosecution shall be conducted in compliance with
20 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this
21 section.

22 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with
23 the term order for purposes of this section.

24 **5. In any county of the first classification with more than one hundred one**
25 **thousand but fewer than one hundred fifteen thousand inhabitants the first judges shall**
26 **be appointed by the county commission for a term of four years, and thereafter the judges**
27 **shall be elected for a term of four years. The number of judges appointed, and**
28 **qualifications for their appointment, shall be established by order of the commission.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen [and one-half] years of age who is alleged to have violated a state or municipal
33 traffic ordinance or regulation, the violation of which does not constitute a felony, or any child
34 who is alleged to have violated a state or municipal ordinance or regulation prohibiting
35 possession or use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law; and

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
51 than seventeen years of age.

52 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
53 seventeen years of age who resides in a county of this state shall be made as follows:

54 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
55 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
56 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving

57 court, to the county of the child's residence or the residence of the person seventeen years of age
58 for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child or person seventeen years of age to the court located in the county of the child's residence
62 or the residence of the person seventeen years of age, or the county in which the offense pursuant
63 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
66 of a child or person seventeen years of age to the court located in the county of the child's
67 residence or the residence of the person seventeen years of age for further action with the prior
68 consent of the receiving court;

69 (4) Upon motion of any party or upon its own motion at any time following a judgment
70 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
71 may place the child or person seventeen years of age under the supervision of another juvenile
72 court within or without the state pursuant to section 210.570 with the consent of the receiving
73 court;

74 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
75 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
76 Rules;

77 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
78 person seventeen years of age, certified copies of all legal and social documents and records
79 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
80 transfer.

81 3. In any proceeding involving any child or person seventeen years of age taken into
82 custody in a county other than the county of the child's residence or the residence of a person
83 seventeen years of age, the juvenile court of the county of the child's residence or the residence
84 of a person seventeen years of age shall be notified of such taking into custody within
85 seventy-two hours.

86 4. When an investigation by a juvenile officer pursuant to this section reveals that the
87 only basis for action involves an alleged violation of section 167.031 involving a child who
88 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
89 to verify that the child is being home schooled and not in violation of section 167.031 before
90 making a report of such a violation. Any report of a violation of section 167.031 made by a
91 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting
92 attorney of the county where the child legally resides.

93 5. The disability or disease of a parent shall not constitute a basis for a determination that
94 a child is a child in need of care or for the removal of custody of a child from the parent without
95 a specific showing that there is a causal relation between the disability or disease and harm to
96 the child.

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