

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1211

96TH GENERAL ASSEMBLY

5016L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 66.010, 67.320, and 67.2010, RSMo, and to enact in lieu thereof four new sections relating to local courts.

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

Section A. Sections 66.010, 67.320, and 67.2010, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 66.010, 67.136, 67.320, and 67.2010, to read as follows:

66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in 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 pursuant to the provisions of 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 pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

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.

17 3. The number of divisions of such county municipal court and its term shall be
18 established by ordinance of the county.

19 4. Except in any county with a charter form of government and with more than six
20 hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the
21 county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at
22 locations outside the county seat. In any county with a charter form of government and with
23 more than six hundred thousand but fewer than seven hundred thousand inhabitants, the
24 ordinance of the county may provide for regular sessions of court in the evening hours after 6:00
25 p.m. and at locations outside the county seat.

26 5. Judges of the county municipal court shall be licensed to practice law in this state and
27 shall [be residents of the county in which they serve] **meet any other requirements established**
28 **by ordinance.** Municipal court judges shall not accept or handle cases in their practice of law
29 which are inconsistent with their duties as a municipal court judge and shall not be a judge or
30 prosecutor for any other court.

31 6. In establishing the county municipal court, provisions shall be made for appropriate
32 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
33 or written communication without personal appearance, or to plead guilty and deliver by mail
34 or electronic transfer or other approved method the specified amount of the fine and costs as
35 otherwise provided by law, within a specified period of time.

36 7. In a county municipal court established pursuant to this section, the county may
37 provide by ordinance for court costs not to exceed the sum which may be provided by
38 municipalities for municipal violations before municipal courts. The county municipal judge
39 may assess costs against a defendant who pleads guilty or is found guilty except in those cases
40 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs
41 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
42 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
43 costs shall be collected by the authorized clerk and deposited into the county treasury.

44 8. Provisions shall be made for recording of proceedings, except that if such proceedings
45 are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or
46 commissioner shall have the right of a trial de novo. The procedures for perfecting the right of
47 a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except that
48 the provisions of subsection 2 of section 512.180 shall not apply to such cases. In the event that
49 such proceedings are recorded, all final decisions of the county municipal court shall be
50 appealable on such record to the appellate court with appropriate jurisdiction.

51 9. Any person charged with the violation of a county ordinance in a county which has
52 established a county municipal court under the provisions of this section shall, upon request, be

53 entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard
54 with a record being made.

55 10. In the event that a court is established pursuant to this section, the circuit judges of
56 the judicial circuit with jurisdiction within that county may authorize the judges of the county
57 municipal court to act as commissioners to hear in the first instance nonfelony violations of state
58 law involving motor vehicles as provided by local rule.

**67.136. 1. Notwithstanding any other provisions to the contrary, any local
2 governmental agency may utilize collections agencies to collect any debt as defined in this
3 section.**

4 2. For purposes of this section, the following terms shall mean:

**5 (1) "Debt", any court or administrative fines or costs associated with a criminal
6 conviction or entry of a civil judgment which are legally owed and enforceable, and which
7 are past due and remain uncollected;**

8 (2) "Debtor", any individual or entity owing a debt.

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

12 2. Except as provided in subsection 5 of this section in any county which has elected
13 to establish a county municipal court pursuant to this section, the judges for such court shall be
14 appointed by the county commission of such county, subject to confirmation by the legislative
15 body of such county in the same manner as confirmation for other county appointed officers.
16 The number of judges appointed, and qualifications for their appointment, shall be established
17 by order of the commission.

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

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

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

67.2010. 1. Any county of the first classification with more than eighty-two thousand
2 but less than eighty-two thousand one hundred inhabitants **and any county of the first**
3 **classification with more than two hundred sixty thousand but fewer than three hundred**
4 **thousand inhabitants** may elect to have the violations of county ordinances adopted pursuant
5 to [section 304.130] **the authority provided by statute** heard and determined by an associate
6 circuit judge of the circuit in which the county is located; provided, however, if such election is
7 made, all violations of that county's ordinances adopted pursuant to [section 304.130] **statutory**
8 **authority** shall be heard and determined before an associate circuit judge or judges. Nothing
9 in this subsection shall preclude the transfer or assignment of another judge to hear and
10 determine a case or class of cases when otherwise authorized by provisions of the constitution,
11 law, or court rule.

12 2. If a county elects to have the violations of its county ordinances [adopted pursuant to
13 section 304.130] heard and determined by an associate circuit judge, the associate circuit judge
14 or judges shall commence hearing and determining such violations six months after the county
15 notifies the presiding judge of the circuit of its election. With the consent of the presiding judge,
16 the associate circuit judge or judges may commence hearing such violations at an earlier date.

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