

SECOND REGULAR SESSION

HOUSE BILL NO. 1754

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

5677L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 478.003, 478.105, 478.107, 478.140, 478.150, 478.165, 478.167, 478.180, 478.265, 478.267, 478.268, 478.387, 478.466, 478.513, and 478.625, RSMo, and to enact in lieu thereof nineteen new sections relating to judicial circuits.

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

Section A. Sections 478.003, 478.105, 478.107, 478.140, 478.150, 478.165, 478.167, 2 478.180, 478.265, 478.267, 478.268, 478.387, 478.466, 478.513, and 478.625, RSMo, are 3 repealed and nineteen new sections enacted in lieu thereof, to be known as sections 478.003, 4 478.061, 478.105, 478.107, 478.140, 478.150, 478.165, 478.167, 478.180, 478.190, 478.265, 5 478.267, 478.268, 478.387, 478.466, 478.513, 478.575, 478.580, and 478.625, to read as 6 follows:

478.003. In any judicial circuit of this state, a majority of the judges of the circuit court 2 may designate a judge to hear cases arising in the circuit subject to the provisions of sections 3 478.001 to 478.007. In lieu thereof and subject to appropriations or other funds available for 4 such purpose, a majority of the judges of the circuit court may appoint a person or persons to act 5 as drug court commissioners. Each commissioner shall be appointed for a term of four years, 6 but may be removed at any time by a majority of the judges of the circuit court. The 7 qualifications and compensation of the commissioner shall be the same as that of an associate 8 circuit judge. If the compensation of a commissioner appointed pursuant to this section is 9 provided from other than state funds, the source of such fund shall pay to and reimburse the state 10 for the actual costs of the salary and benefits of the commissioner. The commissioner shall have 11 all the powers and duties of [a] **an associate** circuit judge[, except that any order, judgment or 12 decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge

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.

13 by order of record entered within the time the judge could set aside such order, judgment or
14 decree had the same been made by the judge. If so confirmed, the order, judgment or decree
15 shall have the same effect as if made by the judge on the date of its confirmation].

**478.061. Notwithstanding any other provision of law to the contrary, all
2 commissioners shall have all the powers and duties of an associate circuit judge.**

478.105. Circuit number twelve shall consist of the counties of Audrain, **Callaway**,
2 Montgomery and Warren.

478.107. Circuit number thirteen shall consist of the [counties] **county** of Boone [and
2 Callaway].

478.140. Circuit number twenty-six shall consist of the counties of [Camden] **Dallas**,
2 Laclede, [Miller, Moniteau and Morgan] **Polk, and Webster**.

478.150. Circuit number thirty shall consist of the counties of Benton, [Dallas] **Camden**,
2 Hickory, [Polk and Webster] **Miller, Moniteau, and Morgan**.

478.165. Circuit number thirty-six shall consist of the counties of Butler [and] , **Carter**,
2 Ripley, **and Wayne**.

478.167. Circuit number thirty-seven shall consist of the counties of [Carter,] Howell,
2 Oregon and Shannon.

478.180. Circuit number forty-two shall consist of the counties of Crawford, Dent, Iron,
2 Reynolds and [Wayne] **Texas**.

**478.190. For the reallocation of judicial circuits under sections 478.105, 478.107,
2 478.140, 478.150, 478.165, 478.167, and 478.180:**

3 **(1) All circuit judges in such judicial circuits shall continue to serve in the same
4 judicial circuit in which they were serving prior to the effective date of this section; and**

5 **(2) All associate circuit judges whose county has been transferred to a different
6 judicial circuit shall transfer after the effective date of this section to the judicial circuit
7 which includes the county in which they were serving prior to the effective date of this
8 section.**

478.265. The judge of the probate division of the circuit court of any county which has
2 more than four hundred thousand inhabitants may appoint a person to be known as commissioner
3 of the probate division of the circuit court, who shall possess the same qualifications and take
4 and subscribe a like oath as such judge. The compensation of the commissioner shall be limited,
5 determined and paid in the same manner as division clerks as provided by subsection 2 of section
6 483.243 until June 30, 1981, and section 483.245 after that date except as provided in sections
7 478.266 and 478.267; provided, however, that said commissioner shall receive a per diem of
8 twenty dollars per day as compensation unless said commissioner is a regular salaried employee
9 serving the probate division of the circuit court in which event he shall receive no per diem

10 allowance; and his service shall extend until terminated by order of the judge of the probate
11 division of the circuit court entered of record but not beyond the term of office of such judge.
12 Subject to approval or rejection by the judge of the probate division, the commissioner shall have
13 all the powers and duties of [such] **an associate circuit judge**]; but the judge shall by order of
14 record reject or confirm all orders, judgments, and decrees of the commissioner within the time
15 such judge could set aside such orders, judgments, or decrees, had the same been made by him;
16 and if so confirmed such orders, judgments, and decrees shall have the same effect as if made
17 by the judge on the date of such confirmation].

478.267. Notwithstanding the provisions of section 478.265, on and after January 2,
2 1979, in each county of the first class having a charter form of government and having a
3 population of at least nine hundred thousand or more inhabitants, the judge of the probate
4 division of the circuit court may appoint one person, who shall possess the same qualifications
5 as a circuit judge, to act as commissioner of the probate division of the circuit court. The
6 commissioner shall be appointed for a term of four years. The compensation of the
7 commissioner shall be determined by the judge of the probate division of the circuit court, not
8 to exceed the compensation of a circuit court judge, payable in the same manner and from the
9 same source as the compensation of the judge who serves in the probate division of the circuit
10 court. Subject to approval or rejection by the judge of the probate division, the commissioner
11 shall have all the powers and duties of [the] **an associate circuit judge**. [The judge shall by
12 order of record reject or confirm all orders, judgments and decrees of the commissioner within
13 the time the judge could set aside such orders, judgments or decrees had the same been made by
14 him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made
15 by the judge on the date of their confirmation.]

478.268. Notwithstanding the provisions of section 478.265, in the thirty-first judicial
2 circuit, the circuit court en banc may appoint one person, who shall possess the same
3 qualifications as a circuit judge, to act as commissioner of the probate division of the circuit
4 court. The commissioner shall be appointed for a term of four years. The compensation and
5 retirement benefits of the commissioner shall be the same as that of an associate circuit judge,
6 payable in the same manner and from the same source as that of the associate circuit judge.
7 Subject to approval or rejection by the judge of the probate division, the commissioner shall have
8 all the powers and duties of [a] **an associate circuit judge**. [The judge shall by order of record
9 reject or confirm all orders, judgments and decrees of the commissioner within the time the judge
10 could set aside such orders, judgments or decrees had the same been made by such judge. If so
11 confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge
12 on the date of their confirmation.]

478.387. 1. There shall be [twenty-four] **twenty** circuit judges in the twenty-second
2 judicial circuit consisting of the city of St. Louis.

3 **2. The four circuit judge positions being reduced under subsection 1 of this section**
4 **shall be reallocated to increase by one the circuit judge positions in the nineteenth, thirty-**
5 **first, thirty-eighth, and fortieth judicial circuits.**

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a
2 majority of the court en banc may appoint one person, who shall possess the same qualifications
3 as an associate circuit judge, to act as drug court commissioner. The commissioner shall be
4 appointed for a term of four years. The compensation of the commissioner shall be the same as
5 that of an associate circuit judge and shall be paid out of the same source as the compensation
6 of all other drug court commissioners in the state. The retirement benefits of such commissioner
7 shall be the same as those of an associate circuit judge, payable in the same manner and from the
8 same source as those of an associate circuit judge. Subject to approval or rejection by a circuit
9 judge, the commissioner shall have all the powers and duties of [a] **an associate** circuit judge.
10 [A circuit judge shall by order of record reject or confirm any order, judgment and decree of the
11 commissioner within the time the judge could set aside such order, judgment or decree had the
12 same been made by him.
13 If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge
14 on the date of its confirmation.]

15 2. The court administrator of the sixteenth judicial circuit shall charge and collect a
16 surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition,
17 provided that the surcharge shall not be charged in any proceeding when costs are waived or are
18 to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be
19 collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to
20 the drug commissioner for operation of the drug court.

478.513. 1. There shall be [five] **six** circuit judges in the thirty-first judicial circuit
2 consisting of the county of Greene. These judges shall sit in divisions numbered one, two, three,
3 four [and] , five, **and six**.

4 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
5 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be
6 elected in 1984. **The circuit judge in division six shall be elected in 2014.**

478.575. Beginning January 1, 2015, there shall be one additional circuit judge in
2 **the thirty-eighth judicial circuit.**

478.580. Beginning January 1, 2015, there shall be one additional circuit judge in
2 **the fortieth judicial circuit.**

478.625. 1. Beginning on January 1, [2003] **2015**, there shall be [three] **four** circuit
2 judges in the nineteenth judicial circuit consisting of the county of Cole.

3 2. One circuit judge shall be first elected in 1982. The second circuit judge shall be first
4 elected in 1984. The third circuit judge shall be first elected in 2002. **The fourth circuit judge**
5 **shall be first elected in 2014.**

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

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