

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1754**  
**96TH GENERAL ASSEMBLY**

5677L.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 478.001, 478.003, 478.018, 478.140, 478.150, 478.165, 478.167, 478.180, 478.265, 478.266, 478.267, 478.268, 478.387, 478.466, 478.513, 478.625, 478.690, and 478.715, RSMo, and to enact in lieu thereof twenty-four new sections relating to judicial circuits, with an effective date for certain sections.

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

Section A. Sections 478.001, 478.003, 478.018, 478.140, 478.150, 478.165, 478.167, 2 478.180, 478.265, 478.266, 478.267, 478.268, 478.387, 478.466, 478.513, 478.625, 478.690, and 3 478.715, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known 4 as sections 478.001, 478.003, 478.018, 478.140, 478.150, 478.165, 478.167, 478.180, 478.190, 5 478.265, 478.266, 478.267, 478.268, 478.387, 478.466, 478.513, 478.515, 478.518, 478.575, 6 478.580, 478.625, 478.690, 478.715, and 1, to read as follows:

478.001. 1. Drug courts may be established by any circuit court pursuant to sections 2 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which 3 stem from drug use. A drug court shall combine judicial supervision, drug testing and treatment 4 of drug court participants. Except for good cause found by the court, a drug court making a 5 referral for substance abuse treatment, when such program will receive state or federal funds in 6 connection with such referral, shall refer the person only to a program which is certified by the 7 department of mental health, unless no appropriate certified treatment program is located within 8 the same county as the drug court. Upon successful completion of the treatment program, the 9 charges, petition or penalty against a drug court participant may be dismissed, reduced or 10 modified. Any fees received by a court from a defendant as payment for substance treatment 11 programs shall not be considered court costs, charges or fines.

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.

12           2. Under sections 478.001 to 478.007, a DWI docket may be established by a circuit  
13 court, or any county with a charter form of government and with more than six hundred thousand  
14 but fewer than seven hundred thousand inhabitants with a county municipal court established  
15 under section 66.010, to provide an alternative for the judicial system to dispose of cases which  
16 stem from driving while intoxicated. A drug court [commissioner] **judge** may serve as a  
17 [commissioner] **judge** in a DWI court or any other treatment or problem-solving court as  
18 designated by the drug court coordinating commission. Drug court [commissioners] **judges** may  
19 serve in counties other than the county they are appointed upon agreement by the presiding judge  
20 of [that] **the circuit in such county** and assignment by the supreme court.

          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 circuit judge, except that any order, judgment or decree of the  
12 commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of  
13 record entered within the time the judge could set aside such order, judgment or decree had the  
14 same been made by the judge. If so confirmed, the order, judgment or decree shall have the same  
15 effect as if made by the judge on the date of its confirmation.]

          478.018. **1.** Each associate circuit judge shall receive an annual salary of sixty-nine  
2 thousand seven hundred thirteen dollars plus any salary adjustment provided after August 28,  
3 1990, pursuant to section 476.405.

**2. Notwithstanding any other provision of law to the contrary and beginning  
4 January 1, 2015, all court commissioner positions, except for family court commissioner  
5 positions wholly or partially reimbursed by county funds, shall be eliminated and shall be  
6 replaced by either associate or circuit court judge positions as determined by whether the  
7 salary of the commissioner position is most closely equivalent to an associate judge salary  
8 or to a circuit judge salary. The associate or circuit court judge positions shall be filled  
9 under section 1 of this act. The authority of any court to appoint commissioner positions  
10 shall terminate. After the effective date of this section, any reference in state statute to a  
11**

12 **court commissioner shall mean either an associate circuit judge or a circuit judge in**  
13 **accordance with the provisions of this subsection.**

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

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

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 **and Reynolds [and Wayne]**.

**478.190. For the reallocation of judicial circuits under sections 478.140, 478.150,**  
2 **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. No**  
5 **reallocated judicial circuit shall reduce or otherwise eliminate the resulting number of**  
6 **circuit judges in a judicial circuit based on the requirement of this subdivision; and**

7 **(2) All associate circuit judges whose county has been transferred to a different**  
8 **judicial circuit shall transfer after the effective date of this section to the judicial circuit**  
9 **which includes the county in which they were serving prior to the effective date of this**  
10 **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  
3 commissioner] **an associate circuit judge** of the probate division of the circuit court[, who shall  
4 possess the same qualifications and take and subscribe a like oath as such judge. The  
5 compensation of the commissioner shall be limited, determined and paid in the same manner as  
6 division clerks as provided by subsection 2 of section 483.243 until June 30, 1981, and section  
7 483.245 after that date except as provided in sections 478.266 and 478.267; provided, however,  
8 that said commissioner shall receive a per diem of twenty dollars per day as compensation unless  
9 said commissioner is a regular salaried employee serving the probate division of the circuit court  
10 in which event he shall receive no per diem allowance; and his service shall extend until  
11 terminated by order of the judge of the probate division of the circuit court entered of record but  
12 not beyond the term of office of such judge. Subject to approval or rejection by the judge of the  
13 probate division, the commissioner shall have all the powers and duties of such judge; but the  
14 judge shall by order of record reject or confirm all orders, judgments, and decrees of the

15 commissioner within the time such judge could set aside such orders, judgments, or decrees, had  
16 the same been made by him; and if so confirmed such orders, judgments, and decrees shall have  
17 the same effect as if made by the judge on the date of such confirmation].

478.266. 1. On and after January 2, 1979, each county of the first class having a charter  
2 form of government and containing all or part of a city having a population of at least four  
3 hundred fifty thousand or more a majority of the circuit and associate circuit judges, meeting en  
4 banc, may appoint one person, who shall possess the same qualifications as a circuit judge, to  
5 act as [commissioner] **an associate circuit judge** of the probate division of the circuit court.  
6 [The commissioner shall be appointed for a term of four years. The compensation of the  
7 commissioner shall be the same as that of a circuit judge, payable in the same manner and from  
8 the same source as the compensation of the judge who serves in the probate division of the  
9 circuit court. Subject to approval or rejection by the judge of the probate division, the  
10 commissioner shall have all the powers and duties of the judge for matters within the jurisdiction  
11 of the judge of the probate division. A judge shall by order of record reject or confirm all orders,  
12 judgments and decrees of the commissioner within the time the judge could set aside such orders,  
13 judgments or decrees had the same been made by him. If so confirmed, the orders, judgments  
14 and decrees shall have the same effect as if made by the judge on the date of their confirmation.]

15 2. The judge of the probate division of the circuit court of each county of the first class  
16 having a charter form of government and containing a population of at least four hundred fifty  
17 thousand inhabitants and in any city not within a county and, after January 1, 1991, in each  
18 county of the first class having a charter form of government and not containing all or part of a  
19 city having a population of at least four hundred fifty thousand or more may appoint a person [to  
20 be known as deputy commissioner] **as an associate circuit judge** of the probate division of the  
21 circuit court[, who shall possess the same qualifications and take and subscribe a like oath as  
22 such a circuit judge. The deputy commissioner shall be appointed for a term of four years. The  
23 compensation of the deputy commissioner shall be the same as that of an associate circuit judge,  
24 payable in the same manner and from the same source as the compensation of an associate circuit  
25 judge. Subject to approval or rejection by the judge of the probate division, the commissioner  
26 shall have all the powers and duties of the clerk of the probate division and the judge; but a judge  
27 shall by order of record reject or confirm all orders, judgments, and decrees of the deputy  
28 commissioner within the time such judge could set aside such orders, judgments, or decrees, had  
29 the same been made by him; and if so confirmed such orders, judgments, and decrees shall have  
30 the same effect as if made by the judge on the date of such confirmation]. In any city not within  
31 a county, any [deputy commissioner] **associate circuit judge** of the probate court may be  
32 temporarily assigned by the presiding judge of the circuit court to serve as a family court  
33 [commissioner] **associate circuit judge**.

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

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

478.387. **1. In accordance with subsection 2 of this section,** there shall be [twenty-four] **twenty-one** circuit judges in the twenty-second judicial circuit consisting of the city of St. Louis.

**2. After the effective date of this section, the first three circuit judge positions which become vacant shall not be filled and shall be reallocated in the following order to increase by one circuit judge position in the thirty-eighth judicial circuit, the thirty-first judicial circuit, and the nineteenth judicial circuit.**

8           **3. Beginning January 1, 2015, the family court commissioner position vacant on**  
9 **September 1, 2012, in the twenty-second judicial circuit is eliminated and shall become an**  
10 **associate circuit judge position in McDonald County of the fortieth judicial circuit.**

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] **be an associate circuit judge of the drug court**  
4 **[commissioner].** The commissioner shall be appointed for a term of four years. The  
5 compensation of the commissioner shall be the same as that of an associate circuit judge and  
6 shall be paid out of the same source as the compensation of all other drug court commissioners  
7 in the state. The retirement benefits of such commissioner shall be the same as those of an  
8 associate circuit judge, payable in the same manner and from the same source as those of an  
9 associate circuit judge. Subject to approval or rejection by a circuit judge, the commissioner  
10 shall have all the powers and duties of a circuit judge. A circuit judge shall by order of record  
11 reject or confirm any order, judgment and decree of the commissioner within the time the judge  
12 could set aside such order, judgment or decree had the same been made by him. If so confirmed,  
13 the order, judgment or decree shall have the same effect as if made by the judge on the date of  
14 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] **associate**  
17 **circuit judge** for disposition, provided that the surcharge shall not be charged in any proceeding  
18 when costs are waived or are to be paid by the state, county or municipality. Moneys obtained  
19 from such surcharge shall be collected and disbursed in the manner provided by sections 488.010  
20 to 488.020 and payable to the [drug commissioner] **associate circuit judge** for operation of the  
21 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.**

7           **3. Beginning January 1, 2015, there shall be one additional associate circuit judge**  
8 **in the thirty-first judicial circuit.**

478.515. **Beginning January 1, 2015, the position of drug court commissioner is**  
2 **abolished and one associate circuit judge in Scott County shall be added in the thirty-third**  
3 **judicial circuit.**

2 **478.518. Beginning January 1, 2015, the position of drug court commission is**  
3 **abolished and one associate circuit judge in Dunklin County shall be added in the thirty-**  
4 **fifth judicial circuit.**

2 **478.575. Beginning January 1, 2015, the family court commissioner position**  
3 **eliminated in the twenty-second judicial circuit shall become a circuit judge position in the**  
4 **thirty-eighth judicial circuit.**

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

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

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

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

2 478.690. 1. There shall be two circuit judges in the twenty-fourth judicial circuit  
3 consisting of the counties of Madison, St. Francois, Ste. Genevieve and Washington. These  
4 judges shall sit in divisions numbered one and two.

2 2. The circuit judges in divisions one and two shall be elected in 1982.

2 **3. Beginning January 1, 2015, the position of drug court commissioner is abolished**  
3 **and one associate circuit judge in St. Francois County shall be added in the twenty-fourth**  
4 **judicial circuit.**

2 478.715. 1. There shall be two circuit judges in the forty-second judicial circuit  
3 consisting of the counties of Crawford, Dent, Iron, **and** Reynolds [and Wayne]. These judges  
4 shall sit in divisions numbered one and two.

2 2. The circuit judge in division one shall be elected in 1982. The circuit judge in  
3 division two shall be elected in 1984.

2 **3. Beginning January 1, 2015, the position of drug court commissioner is abolished**  
3 **and one associate circuit judge in Crawford County shall be added in the forty-second**  
4 **judicial circuit.**

2 **Section 1. Any election or appointment of circuit judges and associate circuit judges**  
3 **necessitated by the changes required in this act shall be completed by December 31, 2014,**  
4 **so that such circuit judges and associate circuit judges will be seated in their appropriate**  
5 **judicial circuits on January 1, 2015, in accordance with this act; except that, the provisions**  
6 **of this section shall not apply to the reallocation of three circuit judge positions under**  
7 **section 478.387. Such reallocated circuit judges shall be elected in their respective circuits**

7 **based on the timing of the first three circuit judge vacancies occurring in the twenty-second**  
8 **judicial circuit after the effective date of section 478.387.**

Section B. The enactment of sections 478.190, 478.515, 478.518, 478.575, and 478.580,  
2 and the repeal and reenactment of sections 478.001, 478.003, 478.018, 478.140, 478.150,  
3 478.165, 478.167, 478.180, 478.265, 478.266, 478.267, 478.268, 478.387, 478.466, 478.513,  
4 478.625, 478.690, and 478.715, shall become effective December 31, 2014.

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