FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 373 & 435

97TH GENERAL ASSEMBLY

AN ACT

To repeal sections 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and 487.010, RSMo, and to enact in lieu thereof two new sections relating to the alteration of judicial boundaries by the supreme court, with an effective date for certain sections.

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

Section A. Sections 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090,
2 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
3 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140,
4 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165,
5 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and 487.010,
6 RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections
7 478.073 and 487.010, to read as follows:

478.073. **[**The state is divided into the judicial circuits numbered and described in the
2 following sections.**]** **As set forth in this section, the general assembly authorizes the**
3 **supreme court to alter the geographical boundaries and territorial jurisdiction of the**
4 **judicial circuits by means of a circuit realignment plan as the administration of justice may**
5 **require, subject to the requirements set forth in article V of the Constitution of Missouri.**

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.

6   **(1) Beginning in 2020, and every twenty years thereafter, within the first thirty**

7 **calendar days of the regular legislative session, the supreme court shall submit to both**

8 **houses of the general assembly concurrently a circuit realignment plan for the alteration**

9 **of the geographical boundaries and territorial jurisdiction of the judicial circuits. Along**

10 **with a statement of the numbers and boundaries of the proposed judicial circuits together**

11 **with a map of the proposed judicial circuits, the supreme court shall submit to the general**

12 **assembly an analysis of the following supporting information:**

13   **(a) A current judicial weighted workload model;**

14   **(b) A current clerical weighted workload model;**

15   **(c) Whether litigants in the current circuits have adequate access to the courts;**

16   **(d) The populations of the current and proposed judicial circuits determined on the**

17 **basis of the most recent decennial census of the United States or annual population**

18 **estimates prepared by the United States Bureau of the Census, but that population shall**

19 **not be the sole factor when determining the boundaries;**

20   **(e) Judicial duties and travel time;**

21   **(f) Historical connections between counties in the judicial circuits; and**

22   **(g) Other information deemed relevant by the supreme court.**

23   **(2) Once submitted to both houses, a circuit realignment plan shall become effective**

24 **January first of the year following the session of the general assembly to which it is**

25 **submitted, unless it is disapproved within sixty calendar days of its submission to a regular**

26 **session by a senate or house concurrent resolution introduced within fifteen calendar days**

27 **of the submission of the plan and adopted by a majority vote of the elected members of**

28 **each house.**

29   **(3) The circuit realignment plan submitted by the supreme court may only be**

30 **rejected in its entirety and shall not be subject to amendment by either house.**

31   **2. A circuit realignment plan shall not alter the total number of judicial circuits in**

32 **existence on December 31, 2019, and any circuit realignment plan creating or reducing the**

33 **number of judicial circuits shall be null and void.**

34   **3. A circuit realignment plan not disapproved by concurrent resolution in the**

35 **manner set forth in this section shall be considered for all purposes as the equivalent in**

36 **force, effect, and intent of a public act of the state upon its taking effect, and it shall be**

37 **published by the revisor of statutes together with the laws adopted by the general assembly**

38 **during the session in which the plan is submitted.**

487.010. 1. **[**There is hereby created in the circuit court of the following judicial circuits

2 of the state, a division or divisions to be designated as provided in sections 487.010 to 487.190,

3 which shall be the family court:

4   (1) Circuit number seven, consisting of the county of Clay;

5   (2) Circuit number thirteen, consisting of Callaway and Boone;

6   (3) Circuit number sixteen, consisting of the county of Jackson;

7   (4) Circuit number twenty-one, consisting of the county of St. Louis;

8   (5) Circuit number twenty-two, consisting of the city of St. Louis;

9   (6) Circuit number thirty-one, consisting of the county of Greene; and

10   (7) Any other circuit which chooses, by local court rule, to have a family court as

11   provided in sections 487.010 to 487.190.

12   2.] The majority of the circuit judges and associate circuit judges en banc, in the circuit,

13   may designate, by local court rule, a family court in a county in the circuit as provided in sections

14   487.010 to 487.190.

15   [3.] 2. The presiding judge of each circuit where the circuit or a county in the circuit has

16   a family court shall designate the division or divisions of the circuit court that shall be the family

17   court. In those circuits with split venue, a division shall be designated in each venue.

18   [4.] 3. In each circuit having more than one division designated as the family court, the

19   presiding judge shall designate from the divisions so designated an administrative judge of the

20   family court.

21   [5.] 4. In any circuit with a county with split venue, there shall be at least one circuit

22   judge assigned to the family court for each block of one hundred sixty thousand persons, or

23   portion of such block, based upon the latest decennial national census.

24   [6.] 5. Notwithstanding any other provision of this chapter to the contrary, the judges of

25   the court en banc may remove a judge from his duties as a family court judge and may assign a

26   new judge to sit as the family court judge.

         6. This section shall not be construed as eliminating any family courts in existence

2   **as of December 31, 2019.**

         [478.075. Circuit number one shall consist of the counties of Clark,

2   Schuyler and Scotland.**]**

3

         [478.077. Circuit number two shall consist of the counties of Adair,

2   Knox and Lewis.**]**

3

         [478.080. Circuit number three shall consist of the counties of Grundy,

2   Harrison, Mercer and Putnam.**]**

3

         [478.085. Circuit number four shall consist of the counties of Holt,

2   Atchison, Gentry, Nodaway and Worth.**]**

3

[478.087. Circuit number five shall consist of the counties of Buchanan and Andrew.**]**

[478.090. Circuit number six shall consist of the county of Platte.**]**

[478.093. Circuit number seven shall consist of the county of Clay.**]**

[478.095. Circuit number eight shall consist of the counties of Carroll and Ray.**]**

[478.097. Circuit number nine shall consist of the counties of Chariton, Linn and Sullivan.**]**

[478.100. Circuit number ten shall consist of the counties of Marion, Monroe and Ralls.**]**

[478.103. 1. Until August 28, 1991, circuit number eleven shall consist of the counties of Lincoln, Pike and St. Charles.
2. Beginning August 29, 1991, circuit number eleven shall consist of the county of St. Charles.**]**

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

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

[478.110. Circuit number fourteen shall consist of the counties of Howard and Randolph.**]**

[478.113. Circuit number fifteen shall consist of the counties of Lafayette and Saline.**]**

[478.115. Circuit number sixteen shall consist of the county of Jackson.**]**

[478.117. Circuit number seventeen shall consist of the counties of Cass and Johnson.**]**

[478.120. Circuit number eighteen shall consist of the counties of Cooper and Pettis.**]**

[478.123. Circuit number nineteen shall consist of the county of Cole.**]**

[478.125. Circuit number twenty shall consist of the counties of Franklin,
Gasconade and Osage.]

[478.127. Circuit number twenty-one shall consist of the county of St.
Louis.]

[478.130.   Circuit number twenty-two shall consist of the city of
St. Louis.]

[478.133. Circuit number twenty-three shall consist of Jefferson County.]

[478.135. Circuit number twenty-four shall consist of the counties of
Madison, St. Francois, Ste. Genevieve and Washington.]

[478.137. Circuit number twenty-five shall consist of the counties of
Maries, Phelps, Pulaski and Texas.]

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

[478.143. Circuit number twenty-seven shall consist of the counties of
Bates, Henry and St. Clair.]

[478.145. Circuit number twenty-eight shall consist of the counties of
Barton, Cedar, Dade and Vernon.]

[478.147. Circuit number twenty-nine shall consist of the county of
Jasper.]

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

[478.153.   Circuit number thirty-one shall consist of the county of
Greene.]

[478.155. Circuit number thirty-two shall consist of the counties of Perry,
Bollinger and Cape Girardeau.]

[478.157. Circuit number thirty-three shall consist of the counties of
Mississippi and Scott.]

[478.160. Circuit number thirty-four shall consist of the counties of New
Madrid and Pemiscot.]

[478.163. Circuit number thirty-five shall consist of the counties of
2   Dunklin and Stoddard.**]**
3

[478.165. Circuit number thirty-six shall consist of the counties of Butler
2   and Ripley.**]**
3

[478.167. Circuit number thirty-seven shall consist of the counties of
2   Carter, Howell, Oregon and Shannon.**]**
3

[478.170. Circuit number thirty-eight shall consist of the counties of
2   Christian and Taney.**]**
3

[478.173. Circuit number thirty-nine shall consist of the counties of
2   Barry, Lawrence and Stone.**]**
3

[478.175. Circuit number forty shall consist of the counties of McDonald
2   and Newton.**]**
3

[478.177. Circuit number forty-one shall consist of the counties of
2   Macon and Shelby.**]**
3

[478.180. Circuit number forty-two shall consist of the counties of
2   Crawford, Dent, Iron, Reynolds and Wayne.**]**
3

[478.183. Circuit number forty-three shall consist of the counties of
2   Clinton, Caldwell, Daviess, Livingston, and DeKalb.**]**
3

[478.185. Circuit number forty-four shall consist of the counties of
2   Douglas, Ozark, and Wright.**]**
3

[478.186. 1. Beginning August 29, 1991, circuit number forty-five shall
2   consist of the counties of Lincoln and Pike.
3   2. The circuit court judge who sat in division three of the eleventh
4   judicial circuit on August 28, 1991, shall beginning August 29, 1991, be the
5   circuit judge of the forty-fifth judicial circuit and shall hold office for the
6   remainder of the term to which he was elected or appointed, and until his
7   successor is elected and qualified.**]**

Section B. The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090,
2 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
3 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140,
4 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165,

5   478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and the

6   repeal and reenactment of section 487.010 shall become effective December 31, 2019.

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