

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1249

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLOCHER.

4127H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 479.020, 479.190, and 479.353, RSMo, and to enact in lieu thereof five new sections relating to municipal courts.

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

Section A. Sections 479.020, 479.190, and 479.353, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 479.020, 479.190, 479.353, 479.354, and 1, to read as follows:

479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

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 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30 8. Within six months after selection for the position, each municipal judge who is not
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify
33 to the supreme court the names of those judges who satisfactorily complete the prescribed
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
35 months after the municipal judge's selection as municipal judge, the municipal judge's office
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
38 judge.

39 9. No municipal judge shall serve as a municipal judge in more than five municipalities
40 at one time. **A court that serves more than one municipality shall be treated as a single**
41 **municipality for the purposes of this subsection.**

479.190. 1. Any judge hearing violations of municipal ordinances may, when in his
2 judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty
3 or who shall be convicted after a trial before such judge. When a person is placed on probation
4 he shall be given a certificate explicitly stating the conditions on which he is being released.

5 2. In addition to such other authority as exists to order conditions of probation, the court
6 may order conditions which the court believes will serve to compensate the victim of the crime,
7 any dependent of the victim, or society in general. Such conditions may include, but need not
8 be limited to:

9 (1) Restitution to the victim or any dependent of the victim, in an amount to be
10 determined by the judge; and

11 (2) The performance of a designated amount of free work for a public or charitable
12 purpose, or purposes, as determined by the judge.

13 3. A person may refuse probation conditioned on the performance of free work. If he
14 does so, the court shall decide the extent or duration of sentence or other disposition to be
15 imposed and render judgment accordingly. Any county, city, person, organization, or agency,
16 or employee of a county, city, organization or agency charged with the supervision of such free
17 work or who benefits from its performance shall be immune from any suit by the person placed
18 on parole or probation or any person deriving a cause of action from him if such cause of action
19 arises from such supervision of performance, except for intentional torts or gross negligence.
20 The services performed by the probationer or parolee shall not be deemed employment within
21 the meaning of the provisions of chapter 288.

22 4. The court may modify or enlarge the conditions of probation at any time prior to the
23 expiration or termination of the probation term.

24 **5. No municipal judge, municipal court personnel, or any prosecutor designated**
25 **by the municipality or personnel assigned thereto shall supervise or have authority to hire,**
26 **fire, or discipline any probation officer or probation personnel assigned by the**
27 **municipality to perform the duties of probation or parole.**

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions
2 shall apply to minor traffic violations and municipal ordinance violations:

3 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling
4 in excess of:

5 (a) Two hundred twenty-five dollars for minor traffic violations; and

6 (b) For municipal ordinance violations committed within a twelve-month period
7 beginning with the first violation: two hundred dollars for the first municipal ordinance
8 violation, two hundred seventy-five dollars for the second municipal ordinance violation, three
9 hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars
10 for the fourth and any subsequent municipal ordinance violations;

11 (2) The court shall not sentence a person to confinement, except the court may sentence
12 a person to confinement for any violation involving alcohol or controlled substances, violations
13 endangering the health or welfare of others, or eluding or giving false information to a law
14 enforcement officer;

15 (3) A person shall not be placed in confinement for failure to pay a fine unless such
16 nonpayment violates terms of probation or unless the due process procedures mandated by
17 Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

18 (4) Court costs that apply shall be assessed against the defendant unless the court finds
19 that the defendant is indigent based on standards set forth in determining such by the presiding
20 judge of the circuit. Such standards shall reflect model rules and requirements to be developed
21 by the supreme court; and

22 (5) No court costs shall be assessed if the defendant is found to be indigent under
23 subdivision (4) of this section or if the case is dismissed.

24 **2. If an individual has been held in custody on a notice to show cause warrant for**
25 **an underlying minor traffic violation, the court, on its own motion or on the motion of any**
26 **interested party, may review the original fine and sentence and waive or reduce such fine**
27 **or sentence if the court finds it reasonable given the circumstances of the case.**

479.354. For any notice to appear, citation, or summons on a minor traffic
2 **violation, the date and time the defendant is to appear in court shall be given when such**
3 **notice to appear, citation, or summons is first provided to the defendant. Failure to**
4 **provide such date and time shall render such notice to appear, citation, or summons void.**

Section 1. In any county with a population greater than two hundred fifty thousand
2 **inhabitants, no individual in a political subdivision shall concurrently serve as prosecuting**
3 **attorney and city attorney.**

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