

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 473

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

0669H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 67.320 and 476.083, RSMo, and to enact in lieu thereof three new sections relating to courts.

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

Section A. Sections 67.320 and 476.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.320, 476.083, and 479.155 to read as follows:

67.320. 1. Any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, **any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat**, or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

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.

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

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

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

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

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates **or containing, as of**
5 **January 1, 2015, a diagnostic and reception center operated by the department of**
6 **corrections and a mental health facility operated by the department of mental health which**
7 **houses persons found not guilty of a crime by reason of mental disease or defect under**
8 **chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may**
9 appoint a circuit court marshal to aid the presiding judge in the administration of the judicial
10 business of the circuit by overseeing the physical security of the courthouse, serving court-
11 generated papers and orders, and assisting the judges of the circuit as the presiding judge
12 determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this
13 section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized
14 by this section is in addition to staff support from the circuit clerks, deputy circuit clerks,
15 division clerks, municipal clerks, and any other staff personnel which may otherwise be provided
16 by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that

20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall
24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

**479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which
2 the municipal division is located shall report to the clerk of the supreme court the name
3 and address of the municipal division and any other information regarding the municipal
4 division requested by the clerk of the supreme court on a standardized form developed by
5 the clerk of the supreme court.**

6 **2. If a municipality elects to abolish or establish a municipal division, the presiding
7 judge of the circuit court in which the municipal division is located shall notify the clerk
8 of the supreme court, and the presiding judge of any new municipal division shall complete
9 the report required under subsection 1 of this section within ninety days of the
10 establishment of the division.**

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