

FIRST REGULAR SESSION

HOUSE BILL NO. 318

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAKER, DAVIS (122) AND RECTOR (Co-sponsors).

Read 1st time January 29, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1113L.011

AN ACT

To amend chapter 49, RSMo, by adding thereto one new section relating to county municipal courts.

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

Section A. Chapter 49, RSMo, is amended by adding thereto one new section, to be
2 known as section 49.656, to read as follows:

**49.656. 1. Any county of the first classification with more than eighty-two thousand
2 but less than eighty-two thousand one hundred inhabitants may prosecute and punish
3 violations of its county ordinances in the circuit court of the county in the manner and to
4 the extent herein provided or in a county municipal court upon adoption by the county
5 commission of an ordinance creating a county municipal court. In addition, the county
6 may prosecute and punish municipal ordinance violations in the county municipal court
7 pursuant to a contract with any municipality within the county. Any county municipal
8 court established pursuant to this section shall have jurisdiction over violations of that
9 county's ordinances and the ordinances of municipalities with which the county has a
10 contract to prosecute and punish violations of municipal ordinances of the city. Costs and
11 procedures in any such county municipal court shall be governed by the provisions of law
12 relating to municipal ordinance violations in municipal divisions of circuit courts.**

**13 2. In any county which has elected to establish a county municipal court pursuant
14 to this section, the judges for such court shall be appointed by the county commission in
15 the same manner as other county appointed officers. The number of judges appointed and
16 the qualifications for their appointment shall be established by county ordinance. Judges
17 of the county municipal court shall be licensed to practice law in this state and shall be
18 residents of the county. Municipal court judges shall not accept or handle cases in their**

19 **practice of law which are inconsistent with their duties as a municipal court judge and**
20 **shall not be a judge or prosecutor for any other court. The ordinance shall also establish**
21 **the number of divisions of the county municipal court, the court's term, and shall provide**
22 **for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside**
23 **the county seat.**

24 **3. The ordinance establishing the court shall make provisions for appropriate**
25 **circumstances whereby defendants may enter not guilty pleas and obtain trial dates by**
26 **telephone or written communication without personal appearance, or to plead guilty and**
27 **deliver by mail or electronic transfer or other approved method the specified amount of**
28 **the fine and costs as otherwise provided by law, within a specified period of time.**

29 **4. The county may by ordinance provide for court costs not to exceed the sum**
30 **which may be provided by municipalities for municipal violations before municipal courts.**
31 **The county municipal judge may assess costs against a defendant who pleads guilty or is**
32 **found guilty except in those cases where the defendant is found by the judge to be indigent**
33 **and unable to pay the costs. The costs authorized in this subsection are in addition to**
34 **service costs, witness fees, and jail costs that may otherwise be authorized to be assessed,**
35 **but are in lieu of other court or judge costs or fees. Such costs shall be collected by the**
36 **authorized clerk and deposited into the county treasury.**

37 **5. The ordinance shall provide for recording of proceedings. In the event that the**
38 **proceedings are not recorded, a person aggrieved by a judgment of a traffic judge or**
39 **commissioner shall have the right of a trial de novo. The procedures for perfecting the**
40 **right of a trial de novo shall be the same as that provided in sections 512.180 to 512.320,**
41 **RSMo, except that subsection 2 of section 512.180, RSMo, shall not apply to such cases.**
42 **In the event that the proceedings are recorded, all final decisions of the county municipal**
43 **court shall be appealable on such record to the appellate court with appropriate**
44 **jurisdiction.**

45 **6. Any person charged with the violation of a county ordinance in a county which**
46 **has established a county municipal court pursuant to this section shall, upon request, be**
47 **entitled to a trial by jury before a county municipal court judge. Any jury trial shall be**
48 **heard, and a record shall be made.**

49 **7. In the event that a court is established pursuant to this section, the circuit judges**
50 **of the judicial circuit with jurisdiction within that county may authorize the judges of the**
51 **county municipal court to act as commissioners to hear in the first instance nonfelony**
52 **violations of state law involving motor vehicles as provided by local rule.**