

HCS HB 373 -- CIRCUIT COURT CLERKS

SPONSOR: Byrd

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 18 to 0.

Under current law, circuit clerks are elected. This substitute requires that, after January 1, 2004, circuit clerks in nonpartisan court plan circuits be appointed by a majority of the circuit and associate circuit judges of that circuit and be removable for cause by a majority of judges. The circuit clerk in office on January 1, 2004, will continue to hold that office as if appointed under these provisions.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that judges in nonpartisan circuits should be able to appoint a nonpartisan circuit clerk because the functions of the office are administrative.

Testifying for the bill were Representative Byrd; Judge Michael David; Judge Michael Calvin; Judge Robert Dierker; Judge Ed Sweeney; Missouri Bar Board of Governors; and Missouri Judicial Conference.

OPPOSERS: Those who oppose the bill say that the people of the City of St. Louis should be able to decide whether they want the city circuit clerk position to be appointed instead of elected, rather than the legislature making the decision for them.

Testifying against the bill was Mariano Favazza, St. Louis City Circuit Clerk.

Julie Jinkens McNitt, Legislative Analyst