

SECOND REGULAR SESSION

HOUSE BILL NO. 974

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEMPSEY.

Read 1st time January 8, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3441L.011

AN ACT

To repeal section 478.320, RSMo, and to enact in lieu thereof one new section relating to the number of associate circuit judges.

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

Section A. Section 478.320, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.320, to read as follows:

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section, **unless an associate circuit judge in a given county either retires or dies and at the time of such judge's retirement or death the population in that county according to the annual population estimate prepared by the United States Bureau of the Census has decreased in comparison to the population figure for that county from the last decennial census in which case such county shall lose one**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 **associate circuit judge position.**

18 3. Except in circuits where associate circuit judges are selected under the provisions of
19 sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall
20 in all respects be conducted as other elections and the returns made as for other officers.

21 4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate
22 circuit judges shall be elected by the county at large.

23 5. No associate circuit judge shall practice law, or do a law business, nor shall [he] **such**
24 **judge** accept, during his **or her** term of office, any public appointment for which [he] **such**
25 **judge** receives compensation for his **or her** services.

26 6. No person shall be elected as an associate circuit judge unless [he] **such judge** has
27 resided in the county for which he **or she** is to be elected at least one year prior to the date of
28 [his] **such judge's** election; provided that, a person who is appointed by the governor to fill a
29 vacancy may file for election and be elected notwithstanding the provisions of this subsection.