

SECOND REGULAR SESSION

# HOUSE BILL NO. 1675

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PRATT (Sponsor), YATES,  
BYRD AND DUSENBERG (Co-sponsors).

Read 1<sup>st</sup> time March 16, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4913L.011

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### AN ACT

To repeal section 479.020, RSMo, and to enact in lieu thereof one new section relating to municipal judges.

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

Section A. Section 479.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.020, to read as follows: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.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or

**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 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. [Notwithstanding the  
24 foregoing provisions of this subsection, in any city with a population of over four hundred  
25 thousand with full-time municipal judges who are subject to a plan of merit selection and  
26 retention, such municipal judges and court personnel of the municipal divisions shall not be  
27 subject to court management and case docketing in the municipal divisions by the presiding  
28 judge or the rules of the circuit court of which the municipal divisions are a part.]

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

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

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