

FIRST REGULAR SESSION

HOUSE BILL NO. 763

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KUESSNER (Sponsor), JETTON,
BARNITZ AND DETHROW (Co-sponsors).

Read 1st time March 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2051L.011

AN ACT

To amend chapter 478, RSMo, by adding thereto one new section relating to the establishment and authorization of the positions of drug court commissioner and drug court administrator in the forty-second judicial circuit, with an emergency clause.

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

Section A. Chapter 478, RSMo, is amended by adding thereto one new section, to be known as section 478.007, to read as follows:

478.007. 1. In the forty-second judicial circuit consisting of the counties of Crawford, Dent, Iron, Reynolds, and Wayne, a majority of the court en banc may appoint one person, who shall possess the same qualifications as an associate circuit judge, to act as drug court commissioner. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of an associate circuit judge and the retirement benefits of such commissioner shall be the same as those of an associate circuit judge, payable in the same manner and from the same source as those of an associate circuit judge. A circuit judge shall by order of record reject or confirm any order, judgment, or decree of the commissioner, within the time the judge could set aside such order, judgment, or decree had the same been made by him or her, as provided in section 478.003. If so confirmed, the orders, judgments, and decrees shall have the same effect as if made by the judge on the date of their confirmation.

2. The circuit court in the forty-second judicial circuit may, in addition to a drug court commissioner, appoint one person to act as drug court administrator, whose

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.

15 **compensation and benefits shall be payable in the same manner and from the same source**
16 **as those of other circuit court personnel. Said drug court administrator shall be appointed**
17 **by a majority of the court en banc for a term of four years.**

18 **3. The drug court commissioner shall act at all times in a manner befitting a**
19 **member of the bench. The drug court commissioner shall devote full time to the duties of**
20 **commissioner and shall not engage in the private practice of law.**

21 **4. The drug court commissioner and or drug court administrator appointed**
22 **hereunder may be removed from office during a term by a majority of the circuit and**
23 **associate circuit judges en banc upon proof of hearing before such judges of crime,**
24 **misconduct, habitual drunkenness, willful neglect of duty, corruption in office,**
25 **incompetency, or any offense involving moral turpitude or oppression in office or**
26 **unsatisfactory performance of duties.**

Section B. Because immediate action is necessary due to the establishment of the Wayne
2 County drug court and the necessity of imminent implementation of adult drug courts in the
3 counties of Crawford, Dent, Iron, and Reynolds, and the further implementation of juvenile drug
4 courts throughout the forty-second judicial circuit, section A of this act is deemed necessary for
5 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and section A of this act
7 shall be in full force and effect upon its passage and approval.