

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 & 1811, Page 2, Section 58.370, Line 5, by inserting after all of said line the following:

“66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

3. The number of divisions of such county municipal court and its term shall be established by ordinance of the county.

4. Except in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county may provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat.

5. Judges of the county municipal court shall be licensed to practice law in this state and shall be residents of the county in which they serve. Municipal court judges shall not accept or

1 handle cases in their practice of law which are inconsistent with their duties as a municipal court
2 judge and full-time municipal judges shall not be a judge or prosecutor for any other court.

3 6. Whenever any judge of the county municipal court shall become temporarily ill or
4 otherwise unavailable, any county municipal court judge may appoint an acting county municipal
5 court judge to take his or her place on a temporary basis. The acting county municipal court judge
6 appointed shall be a person who already serves as a municipal court judge within the same judicial
7 circuit. The provisions of subsection 5 of this section shall not apply to acting county municipal
8 court judges.

9 7. In establishing the county municipal court, provisions shall be made for appropriate
10 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
11 or written communication without personal appearance, or to plead guilty and deliver by mail or
12 electronic transfer or other approved method the specified amount of the fine and costs as
13 otherwise provided by law, within a specified period of time.

14 [7.] 8. In a county municipal court established pursuant to this section, the county may
15 provide by ordinance for court costs not to exceed the sum which may be provided by
16 municipalities for municipal violations before municipal courts. The county municipal judge may
17 assess costs against a defendant who pleads guilty or is found guilty except in those cases where
18 the defendant is found by the judge to be indigent and unable to pay the costs. The costs
19 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
20 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
21 costs shall be collected by the authorized clerk and deposited into the county treasury.

22 [8.] 9. Provisions shall be made for recording of proceedings, except that if such
23 proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic
24 judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the
25 right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320,
26 RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to
27 such cases. In the event that such proceedings are recorded, all final decisions of the county
28 municipal court shall be appealable on such record to the appellate court with appropriate
29 jurisdiction.

30 [9.] 10. Any person charged with the violation of a county ordinance in a county which
31 has established a county municipal court under the provisions of this section shall, upon request,
32 be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard
33 with a record being made.

34 [10.] 11. In the event that a court is established pursuant to this section, the circuit judges
35 of the judicial circuit with jurisdiction within that county may authorize the judges of the county
36 municipal court to act as commissioners to hear in the first instance nonfelony violations of state

1 law involving motor vehicles as provided by local rule.” ; and
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3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.
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