House _____ **Amendment NO.**_____

Offered By

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1   AMEND House Committee Substitute for Senate Bill No. 100, Page 18, Section 478.007, Line 23,
2   by inserting after all of said section and line the following:
3
4   "478.220. Circuit judges and associate circuit judges may hear and determine all cases and
5   matters within the jurisdiction of their circuit courts, subject however, to the following restrictions:
6   (1) Circuit judges shall not hear and determine municipal ordinance violation cases, except
7   upon trial de novo, unless the judge be transferred or assigned to hear and determine the case or that
8   class of case pursuant to section 478.240 or 478.245, or section 6 of article V of the constitution; and
9   (2) Associate circuit judges in any city not within a county shall not preside over the trial or
10   sentencing phase of any class A felony case; and
11   (3) Each circuit judge or associate circuit judge who serves as the judge of the probate
12   division of the circuit court may hear and determine all cases and matters within the probate division
13   of the circuit court in the county for which he is judge in accordance with the rules of civil
14   procedure, except where specific statutes govern procedure in the probate division; and
15   [(3)] (4) The provisions of this section authorizing the hearing and determination of
16   particular cases or classes of cases by circuit judges and associate circuit judges shall be subject to
17   the transfer, assignment, and disqualification provisions contained in article V of the constitution, in
18   provisions of law, or in court rules which are authorized by the constitution or by law.
19   478.240. 1. The presiding judge of each circuit which is provided by subsection 3 of section
20   15 of article V of the constitution shall be selected for a two-year term. The circuit and associate
21   circuit judges in each circuit shall select by secret ballot a circuit judge from their number to serve as
22   presiding judge. Selection and removal procedures, not inconsistent with the rules of the supreme
23   court, may be provided by local court rule. If a presiding judge is disqualified from acting as a
24   judicial officer pursuant to the constitution, article V, section 24, the circuit judges and associate
25   circuit judges of the circuit shall select a circuit judge as presiding judge. If the circuit does not have
26   an eligible judge to be elected presiding judge, then the chief justice of the supreme court may
27   designate an acting presiding judge until a successor is chosen or until the disability of the presiding
28   judge terminates.
29   2. Subject to the authority of the supreme court and the chief justice under article V of the
30   constitution, the presiding judge of the circuit shall have general administrative authority over all
31   judicial personnel and court officials in the circuit, including the authority to assign any judicial or
32   court personnel anywhere in the circuit, and shall have the authority to assign judges to hear such
33   cases or classes of cases as the presiding judge may designate, and to assign judges to divisions.
34   Such assignment authority shall include the authority to authorize particular associate circuit judges
35   to hear and determine cases or classes of cases. By this subsection the presiding judge shall not,
36   however, be authorized to make the following assignments:
37   (1) Assignment of a municipal judge to hear any case other than to initially hear a municipal

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1   ordinance violation case of the municipality which makes provision for such municipal judge, except
2   that the presiding judge of a circuit may assign a municipal judge of a municipality within the circuit
3   to hear and determine municipal ordinance violations in a court of another municipality within the
4   circuit if the municipality to which the judge is especially assigned by the presiding judge has made
5   provision for the compensation of such judge;
6   (2) Assignment of a judge to hear the trial of a felony case when he has previously conducted
7   the preliminary hearing in that case;
8   (3) Assignment of a case to a judge contrary to provisions of supreme court rules or local
9   circuit court rules; and
10   (4) Assignment of a case or class of cases not within the class of cases specified in section
11   472.020, to a circuit judge who is also judge of the probate division and who was on January 1, 1979,
12   a probate judge shall only be with the consent of such judge of the probate division; and
13   (5) Assignment of an associate circuit judge in any city not within a county to preside over
14   the trial or sentencing phase of a class A felony case.
15   3. If any circuit judge or associate circuit judge shall proceed to hear and determine any case
16   or class of cases which has not been assigned to him by the presiding judge pursuant to subsection 1
17   or 2 of this section, or to which he had not been transferred by the chief justice of the supreme court,
18   or in the event the purported assignment to him shall be determined to be defective or deficient in
19   any manner, any order or judgment he may have entered may be set aside, as otherwise provided by
20   rule or by law, and the judge may be subject to discipline under article V, section 24 of the Missouri
21   Constitution, but he shall not be deemed to have acted other than as a judicial officer because of any
22   such absence, defect or deficiency of assignment under this section, or transfer by the chief justice.
23   478.245. 1. Subject to the provisions of article V of the constitution and authority exercised
24   under such provisions, the circuit judges of the circuit may adopt local court rules which provide:
25   (1) Cases or classes of cases that may or shall be assigned to particular divisions of the
26   circuit court;
27   (2) Filing (including the place of filing) and assignment systems for the circuit court of each
28   county which may include: (a) centralized filing procedures for cases which are heard by circuit
29   judges; (b) centralized assignment procedures or individualized docketing procedures for cases or
30   classes of cases which are heard by circuit judges; and (c) filing and assignment procedures for cases
31   which are heard by municipal judges.
32   2. Notwithstanding the provisions of subsection 1 of this section, no such local circuit court
33   rule:
34   (1) Shall provide for assignments which a presiding judge is prohibited from making by
35   subdivisions (1), (2) **[**and**]**, (4), and (5) of subsection 2 of section 478.240 or which are contrary to
36   provisions of supreme court rules;
37   (2) Shall provide for the maintenance of the permanent case records and judgments of the
38   circuit court other than with the circuit clerk, except records with respect to probate cases,
39   misdemeanor and municipal ordinance violation cases, records in felony cases before the filing of an
40   information, and records in cases within the categories of cases specified in subdivisions (1), (2) and
41   (3) of subsection 1 of section 517.011; and
42   (3) Shall provide for the filing of cases or the maintenance of the permanent records in cases
43   which are heard by municipal judges outside of the municipality providing the municipal judge,
44   except in those situations where there is a trial de novo or the municipality consents to such filing or
45   maintenance of records.
46   3. Local circuit court rules shall be adopted by a majority of the circuit judges of the circuit.
47   A copy of each circuit court rule certified by the presiding judge of the circuit shall be filed with the
48   circuit clerk and the clerk of the supreme court, and shall not become effective until so filed. Each

1   local circuit court rule adopted prior to January 2, 1979, shall cease to be effective sixty days after
2   that date if a copy thereof certified by the presiding judge of the circuit is not filed with the clerk of
3   the supreme court during that period of time.
4   4. Subject to the provisions of article V of the constitution and authority exercised under
5   such provisions, a majority of circuit and associate circuit judges of the circuit by order may provide
6   for: (1) centralized filing or divisional filing of cases or classes of cases which are heard by associate
7   circuit judges; and (2) centralized assignment procedures or individualized docketing procedures of
8   cases or classes of cases which are heard by associate circuit judges. A copy of each such order
9   certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the
10 supreme court, and shall not become effective until so filed."; and
11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.