

FIRST REGULAR SESSION

HOUSE BILL NO. 363

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND ELLINGER (Co-sponsor).

0254L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 66.010, RSMo, and to enact in lieu thereof one new section relating to county court municipal judges, with a penalty provision.

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

Section A. Section 66.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 66.010, to read as follows:

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.

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.

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

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

26 5. Judges of the county municipal court shall be licensed to practice law in this state and
27 shall be residents of the county in which they serve. Municipal court judges shall not accept or
28 handle cases in their practice of law which are inconsistent with their duties as a municipal court
29 judge and **full-time municipal judges** shall not be a judge or prosecutor for any other court.

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

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

41 [7.] 8. In a county municipal court established pursuant to this section, the county may
42 provide by ordinance for court costs not to exceed the sum which may be provided by
43 municipalities for municipal violations before municipal courts. The county municipal judge
44 may assess costs against a defendant who pleads guilty or is found guilty except in those cases
45 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs
46 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
47 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
48 costs shall be collected by the authorized clerk and deposited into the county treasury.

49 [8.] 9. Provisions shall be made for recording of proceedings, except that if such
50 proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic
51 judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the
52 right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320,

53 except that the provisions of subsection 2 of section 512.180 shall not apply to such cases. In the
54 event that such proceedings are recorded, all final decisions of the county municipal court shall
55 be appealable on such record to the appellate court with appropriate jurisdiction.

56 [9.] **10.** Any person charged with the violation of a county ordinance in a county which
57 has established a county municipal court under the provisions of this section shall, upon request,
58 be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard
59 with a record being made.

60 [10.] **11.** In the event that a court is established pursuant to this section, the circuit judges
61 of the judicial circuit with jurisdiction within that county may authorize the judges of the county
62 municipal court to act as commissioners to hear in the first instance nonfelony violations of state
63 law involving motor vehicles as provided by local rule.

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