

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 615, Page 14, Section 488.2240, Line 10,
2 by inserting immediately after said line the following:

3 "512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before
4 an associate circuit judge, other than an associate circuit judge sitting in the probate division or who
5 has been assigned to hear the case on the record under procedures applicable before circuit judges,
6 shall have the right of a trial de novo in all cases tried before municipal court or under the provisions
7 of [chapters] chapter 482[, 534, and 535].

8 2. In all other contested civil cases tried with or without a jury before an associate circuit
9 judge or on assignment under such procedures applicable before circuit judges or in any
10 misdemeanor case or county ordinance violation case a record shall be kept, and any person
11 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the
12 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the
13 supreme court, the record may be a stenographic record or one made by the utilization of electronic,
14 magnetic, or mechanical sound or video recording devices.

15 534.060. Forcible entries and detainers, and unlawful detainers, may be heard and
16 determined by any associate circuit judge of the county in which they are committed. Neither the
17 provisions of this section or any other section in this chapter shall preclude adoption of a local circuit
18 court rule providing for the centralized filing of such cases, nor the assignment of such cases to
19 particular associate circuit or circuit judges pursuant to local circuit court rule or action by the
20 presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges
21 unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff
22 pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the
23 practice and procedure applicable before circuit judges [and the case is heard by a circuit judge. If
24 the case is heard before an associate circuit judge who has not been specially assigned to hear the
25 case on the record]. All cases under this chapter shall be heard on the record. Unless the plaintiff
26 under subsection 2 of section 478.250 has designated the case as one to be heard under the practice
27 and procedure applicable before circuit judges, to the extent practice and procedure are not provided
28 in this chapter the practice and procedure provided in chapter 517 shall apply. If the [case is heard
29 initially before an associate circuit judge who has been specially assigned to hear the case on a record
30 or before a circuit judge, the case shall be heard and determined under the same practice and
31 procedure as would apply if the case was being heard upon an application for trial de novo, and in

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such instances, notwithstanding the specific references to chapter 517 in this chapter,] plaintiff under subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges, the case shall be heard and determined under the rules of practice and procedure provided in the Missouri Rules of Civil Procedure [and the extant provisions of The Civil Code of Missouri shall apply] instead of those contained in chapter 517, notwithstanding the specific references to chapter 517 in this chapter.

534.350. The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for [the filing of an application for trial de novo or] the taking of an appeal, except as in the next succeeding section is provided.

534.360. If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for [the filing of an application for a trial de novo or] taking an appeal.

534.380. Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided [in chapter 512] as in other civil cases. Application for [a trial de novo or] appeal shall not stay execution for restitution of the premises unless the defendant gives bond within the time for appeal. The bond shall be for the amount of the judgment and with the condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the [trial de novo or] appeal, subject to the judge's discretion. However, in any case in which the defendant receives a reduction in rent due to a local, state or federal subsidy program, the amount of the bond shall be reduced by the amount of said subsidy. Execution other than for restitution shall be stayed if the defendant files a bond in the proper amount at such time as otherwise provided by law.

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

1 3. If the plaintiff does not request service of the original summons by posting and mailing as
2 provided in subsection 2 of this section, and if the officer, or other person empowered to execute the
3 summons, makes return that the defendant is not found, or that the defendant has absconded or
4 vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an
5 alias summons and service of the same by posting and mailing in the time and manner provided in
6 subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least
7 eighteen years of age may serve the summons by posting and mailing a copy of the summons in the
8 time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and
9 of the mailing of a copy of the summons or alias summons and the complaint, the judge shall
10 proceed to hear the case as if there had been personal service, and judgment shall be rendered and
11 proceedings had as in other cases, except that no money judgment shall be granted the plaintiff
12 where the defendant is in default and service is by the posting and mailing procedure provided in
13 subsection 2 of this section.

14 4. On the date judgment is rendered as provided in this section where the defendant is in
15 default, the clerk of the court shall mail to the defendant at the defendant's last known address by
16 ordinary mail a notice informing the defendant of the judgment and the date it was entered, and
17 stating that the defendant has ten days from the date of the judgment to file a motion to set aside the
18 judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and
19 that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the
20 judgment will become final and the defendant will be subject to eviction from the premises without
21 further notice.

22 535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the
23 manner provided [in chapter 512] as in other civil cases; but no application for [a trial de novo or] an
24 appeal shall stay execution unless the defendant give bond, with security sufficient to secure the
25 payment of all damages, costs and rent then due, and with condition to stay waste and to pay all
26 subsequently accruing rent, if any, into court within ten days after it becomes due, pending
27 determination of the [trial de novo or] appeal.

28 535.160. If the defendant, on the date any money judgment is given in any action pursuant to
29 this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the
30 rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If
31 on any date after the date of any original trial [but before any trial de novo] the defendant shall
32 satisfy such money judgment and pay all costs, any execution for possession of the subject premises
33 shall cease and be stayed; except that the landlord shall not thereby be precluded from making
34 application for appeal from such money judgment. If for any reason no money judgment is entered
35 against the defendant and judgment for the plaintiff is limited only to possession of the subject
36 premises, no stay of execution shall be had, except as provided by the provisions of section 535.110
37 or the rules of civil procedure or by agreement of the parties.

38 535.170. After the execution of any judgment for possession pursuant to this chapter, the
39 lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee,
40 shall be barred from reentry of such premises and from all relief, and except for error in the record or
41 proceedings, the landlord shall from that day hold the demised premises discharged from the lease.

1 Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a
2 trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo]
3 recover any damage incurred, including damages incurred from an unlawful dispossession.

4 535.200. 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city
5 of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges,
6 en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may
7 authorize the appointment of not more than two landlord-tenant court commissioners. The
8 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial
9 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge
10 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the
11 circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall
12 represent one of the two political parties casting the highest number of votes at the next preceding
13 gubernatorial election. The procedures and operations of the landlord-tenant court judicial
14 commission shall be established by circuit court rule.

15 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes
16 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make
17 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving
18 or taking of possession of residential property and any other equitable relief necessary to resolve
19 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant
20 commissioners may not, by ex parte means, hear cases and issue orders.

21 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall
22 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be
23 residents of the city of St. Louis, and shall receive as annual compensation an amount equal to
24 one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners
25 shall not accept or handle cases in their practice of law which are inconsistent with their duties as a
26 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.
27 Landlord-tenant commissioners shall not be considered state employees and shall not be members of
28 the state employees' or judicial retirement system or be eligible to receive any other employment
29 benefit accorded state employees or judges.

30 4. A majority of the judges of the circuit, en banc, shall establish operating procedures for
31 the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases
32 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner
33 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the
34 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks
35 and computer personnel shall be assigned as needed for the efficient operation of the court.

36 5. The parties to a cause of action before a commissioner of the landlord-tenant court are
37 entitled to file with the court a motion for a hearing in associate circuit court within ten days after the
38 mailing, or within ten days after service.

39 6. Operating procedures shall be provided for electronic recording of proceedings at city
40 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right
41 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same

1 manner as would a person aggrieved by a decision of an associate circuit judge under section
2 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as
3 that provided pursuant to sections 512.180 to 512.320.

4 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return
5 date of ten days. The sheriff must attempt to serve any summons within four days of the date of
6 issuance.

7 8. All costs to establish and operate a landlord-tenant court under this section shall be borne
8 by the city of St. Louis.

9 535.210. 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson
10 County providing for expenditure of county funds for such purpose, a majority of the circuit court
11 judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court,
12 and may authorize the appointment of not more than two landlord-tenant court commissioners. The
13 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial
14 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge
15 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the
16 circuit, and two members appointed by the county executive of Jackson County, each of whom shall
17 represent one of the two political parties casting the highest number of votes at the next preceding
18 gubernatorial election. The procedures and operations of the landlord-tenant court judicial
19 commission shall be established by circuit court rule.

20 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes
21 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make
22 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving
23 or taking of possession of residential property and any other equitable relief necessary to resolve
24 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant
25 commissioners may not, by ex parte means, hear cases and issue orders.

26 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall
27 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be
28 residents of Jackson County, and shall receive as annual compensation an amount equal to one-third
29 of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not
30 accept or handle cases in their practice of law which are inconsistent with their duties as a
31 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.
32 Landlord-tenant commissioners shall not be considered state employees and shall not be members of
33 the state employees' or judicial retirement system or be eligible to receive any other employment
34 benefit accorded state employees or judges.

35 4. A majority of the judges of the circuit court, en banc, shall establish operating procedures
36 for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases
37 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner
38 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the
39 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks
40 and computer personnel shall be assigned as needed for the efficient operation of the court.

41 5. The parties to a cause of action before a commissioner of the landlord-tenant court are

1 entitled to file with the court a motion for a hearing in associate circuit court within ten days after the
2 mailing, or within ten days after service.

3 6. Operating procedures shall be provided for electronic recording of proceedings at county
4 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right
5 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same
6 manner as would a person aggrieved by a decision of an associate circuit judge under section
7 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as
8 that provided pursuant to sections 512.180 to 512.320.

9 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return
10 date of ten days from the date of service. [The sheriff] Service must [attempt to serve any summons]
11 be attempted within four days of the date of issuance.

12 8. All costs to establish and operate a landlord-tenant court under this section shall be borne
13 by Jackson County."; and

14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.
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