

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 114, Page 30, Section 475.120, Line 42,
2 by inserting after all of said line the following:

3
4 "479.020. 1. Any city, town or village, including those operating under a constitutional or
5 special charter, may, and cities with a population of four hundred thousand or more shall, provide by
6 ordinance or charter for the selection, tenure and compensation of a municipal judge or judges
7 consistent with the provisions of this chapter who shall have original jurisdiction to hear and
8 determine all violations against the ordinances of the municipality. The method of selection of
9 municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected
10 for a term of not less than two years as provided by charter or ordinance.

11 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time
12 judge and may serve as municipal judge in more than one municipality.

13 3. No person shall serve as a municipal judge of any municipality with a population of
14 seven thousand five hundred or more or of any municipality in a county of the first class with a
15 charter form of government unless the person is licensed to practice law in this state unless, prior to
16 January 2, 1979, such person has served as municipal judge of that same municipality for at least
17 two years.

18 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
19 municipality or of the circuit in which the municipal judge serves except where ordinance or charter
20 provides otherwise. Municipal judges shall be residents of Missouri.

21 5. Judges selected under the provisions of this section shall be municipal judges of the
22 circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or
23 major geographical portion thereof, is located. The judges of these municipal divisions shall be
24 subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
25 court. The presiding judge of the circuit shall have general administrative authority over the judges
26 and court personnel of the municipal divisions within the circuit.

27 6. No municipal judge shall hold any other office in the municipality which the municipal
28 judge serves as judge. The compensation of any municipal judge and other court personnel shall not
29 be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or
30 the amount of fines imposed or collected.

31 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
32 municipal judge after that person has reached that person's seventy-fifth birthday.

33 8. Within six months after selection for the position, each municipal judge who is not
34 licensed to practice law in this state shall satisfactorily complete the course of instruction for
35 municipal judges prescribed by the supreme court. The state courts administrator shall certify to the
36 supreme court the names of those judges who satisfactorily complete the prescribed course. If a

Action Taken _____ Date _____

1 municipal judge fails to complete satisfactorily the prescribed course within six months after the
 2 municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant
 3 and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any
 4 compensation thereafter be paid to such person for serving as municipal judge.

5 9. No municipal judge shall serve as a municipal judge in more than five municipalities at
 6 one time. A court that serves more than one municipality shall be treated as a single municipality
 7 for the purposes of this subsection."; and

8 479.353. 1. Notwithstanding any provisions to the contrary, the following conditions shall
 9 apply to minor traffic violations and municipal ordinance violations:

10 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling in
 11 excess of:

12 (a) Two hundred twenty-five dollars for minor traffic violations; and

13 (b) For municipal ordinance violations committed within a twelve-month period beginning
 14 with the first violation: two hundred dollars for the first municipal ordinance violation, two
 15 hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty
 16 dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and
 17 any subsequent municipal ordinance violations;

18 (2) The court shall not sentence a person to confinement, except the court may sentence a
 19 person to confinement for any violation involving alcohol or controlled substances, violations
 20 endangering the health or welfare of others, or eluding or giving false information to a law
 21 enforcement officer;

22 (3) A person shall not be placed in confinement for failure to pay a fine unless such
 23 nonpayment violates terms of probation or unless the due process procedures mandated by Missouri
 24 supreme court rule 37.65 or its successor rule are strictly followed by the court;

25 (4) Court costs that apply shall be assessed against the defendant unless the court finds that
 26 the defendant is indigent based on standards set forth in determining such by the presiding judge of
 27 the circuit. Such standards shall reflect model rules and requirements to be developed by the
 28 supreme court; and

29 (5) No court costs shall be assessed if the defendant is found to be indigent under
 30 subdivision (4) of this section or if the case is dismissed.

31 2. When an individual has been held in custody on a notice to show cause warrant for an
 32 underlying minor traffic violation, the court, on its own motion or on the motion of any interested
 33 party, may review the original fine and sentence and waive or reduce such fine or sentence when the
 34 court finds it reasonable given the circumstances of the case.

35 479.354. For any notice to appear in court, citation, or summons on a minor traffic
 36 violation, the date and time the defendant is to appear in court shall be given when such notice to
 37 appear in court, citation, or summons is first provided to the defendant. Failure to provide such date
 38 and time shall render such notice to appear in court, citation, or summons void.

39 479.360. 1. Every county, city, town, and village shall file with the state auditor, together
 40 with its report due under section 105.145, its certification of its substantial compliance signed by its
 41 municipal judge with the municipal court procedures set forth in this subsection during the
 42 preceding fiscal year. The procedures to be adopted and certified include the following:

43 (1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal court
 44 have an opportunity to be heard by a judge in person, by telephone, or video conferencing as soon
 45 as practicable and not later than forty-eight hours on minor traffic violations and not later than
 46 seventy-two hours on other violations and, if not given that opportunity, are released;

47 (2) Defendants in municipal custody shall not be held more than twenty-four hours without
 48 a warrant after arrest;

1 (3) Defendants are not detained in order to coerce payment of fines and costs unless found
2 to be in contempt after strict compliance by the court with the due process procedures mandated by
3 Missouri supreme court rule 37.65 or its successor rule;

4 (4) The municipal court has established procedures to allow indigent defendants to present
5 evidence of their financial condition and takes such evidence into account if determining fines and
6 costs and establishing related payment requirements;

7 (5) The municipal court only assesses fines and costs as authorized by law;

8 (6) No additional charge shall be issued for the failure to appear for a minor traffic
9 violation;

10 (7) The municipal court conducts proceedings in a courtroom that is open to the public and
11 large enough to reasonably accommodate the public, parties, and attorneys;

12 (8) The municipal court makes use of alternative payment plans;

13 (9) The municipal court makes use of community service alternatives [~~for which no~~
14 ~~associated costs are charged to the defendant~~]; and

15 (10) The municipal court has adopted an electronic payment system or payment by mail for
16 the payment of minor traffic violations.

17 2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for
18 including the addendum information required by this section. The rule shall also allow reasonable
19 opportunity for demonstration of compliance."; and
20

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