

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section 478.463, Line  
2 9, by inserting immediately after said line the following:

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

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

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

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

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

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

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant  
2 and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any  
3 compensation thereafter be paid to such person for serving as municipal judge.

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

7 479.353. 1. Notwithstanding any provisions to the contrary, the following conditions shall  
8 apply to minor traffic violations and municipal ordinance violations:

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

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

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

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

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

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

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

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

34 479.354. For any notice to appear in court, citation, or summons on a minor traffic  
35 violation, the date and time the defendant is to appear in court shall be given when such notice to  
36 appear in court, citation, or summons is first provided to the defendant. Failure to provide such date  
37 and time shall render such notice to appear in court, citation, or summons void."; and  
38

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