

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

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 283, Page 2, Section 233.180, Line 25,  
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

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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."; and

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