



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SS SCS HCS HB 192** \_\_\_\_\_ entitled:

**AN ACT**

To repeal sections 386.510, 386.515, 543.270, 558.006, and 558.019, RSMo, and to enact in lieu thereof five new sections relating to court procedures, with penalty provisions.

With SA 2, SA 3, SA 4, SA 6, SA 7

In which the concurrence of the House is respectfully requested.

Respectfully,

*Adriane D. Crouse*

Adriane D. Crouse  
Secretary of the Senate

MAY 09 2019

**SENATE AMENDMENT NO. 2**Offered by Nastheed of 5thAmend SS/SCS/HCS/House Bill No. 192, Page 1, Section A, Line 4

2 of said page, by inserting immediately after said line the  
3 following:

4 "304.590. 1. As used in this section, the term "travel  
5 safe zone" means any area upon or around any highway, as defined  
6 in section 302.010, which is visibly marked by the department of  
7 transportation; and when a highway safety analysis demonstrates  
8 fatal or disabling motor vehicle crashes exceed a predicted  
9 safety performance level for comparable roadways as determined by  
10 the department of transportation.

11 2. Upon a conviction or a plea of guilty by any person for  
12 a moving violation as defined in section 302.010 or any offense  
13 listed in section 302.302, the court [~~shall~~] may double the  
14 amount of fine authorized to be imposed by law, if the moving  
15 violation or offense occurred within a travel safe zone.

16 3. Upon a conviction or plea of guilty by any person for a  
17 speeding violation under section 304.009 or 304.010, the court  
18 [~~shall~~] may double the amount of fine authorized by law, if the  
19 violation occurred within a travel safe zone.

20 4. The penalty authorized under subsections [1] 2 and 3 of  
21 this section shall only be assessed by the court if the  
22 department of transportation has erected signs upon or around a  
23 travel safe zone which are clearly visible from the highway and

*Offered 5/7/19*  
*Adopted "*

1       which state substantially the following message: "Travel Safe  
2       Zone - Fines Doubled".

3             5. This section shall not be construed to enhance the  
4       assessment of court costs or the assessment of points under  
5       section 302.302."; and

6             Further amend the title and enacting clause accordingly.  
7

SENATE AMENDMENT NO. 3Offered by Rizzo of 11thAmend SS /SCS/HCS/House Bill No. 192, Page 4, Section 386.515, Line 1

2 ~~by striking "court procedures" and inserting in lieu thereof the~~  
3 ~~following: "criminal court proceedings", and~~

4 ~~Further amend said bill and page, Section A, Line 3, by~~  
5 inserting after all of said line the following:

6 "476.001. An efficient, well operating and productive  
7 judiciary is essential to the preservation of the people's  
8 liberty and prosperity. In order to achieve this goal, the  
9 general assembly and the supreme court must constantly be aware  
10 of the operations, needs, strengths and weaknesses of the  
11 judicial system. It is the purpose of sections 476.001, 476.055,  
12 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the  
13 general assembly and the supreme court with the mechanisms to  
14 obtain on a continuing basis a comprehensive analysis of judicial  
15 resources and an efficient and organized method of identifying  
16 the problems and needs as they occur. It is the further purpose  
17 of sections 476.001, 476.055, 476.330 to 476.380, 476.412,  
18 476.681, 477.405, 478.073, and 478.320[, and subdivision (12) of  
19 subsection 1 of section 600.042] to provide a system for the  
20 efficient allocation of available personnel, facilities and  
21 resources to achieve a uniform and effective operation of the  
22 judicial system."; and

23 Further amend said bill, Page 5, Section 558.006, Line 30,  
24 by inserting after all of said line the following:

Offered 5/7/19

1 "600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors  
3 and other state public defender office personnel appointed  
4 pursuant to this chapter; and he or she and the deputy director  
5 or directors may participate in the trial and appeal of criminal  
6 actions at the request of the defender;

7 (2) Submit to the commission, between August fifteenth and  
8 September fifteenth of each year, a report which shall include  
9 all pertinent data on the operation of the state public defender  
10 system, the costs, projected needs, and recommendations for  
11 statutory changes. Prior to October fifteenth of each year, the  
12 commission shall submit such report along with such  
13 recommendations, comments, conclusions, or other pertinent  
14 information it chooses to make to the chief justice, the  
15 governor, and the general assembly. Such reports shall be a  
16 public record, shall be maintained in the office of the state  
17 public defender, and shall be otherwise distributed as the  
18 commission shall direct;

19 (3) With the approval of the commission, establish such  
20 divisions, facilities and offices and select such professional,  
21 technical and other personnel, including investigators, as he  
22 deems reasonably necessary for the efficient operation and  
23 discharge of the duties of the state public defender system under  
24 this chapter;

25 (4) Administer and coordinate the operations of defender  
26 services and be responsible for the overall supervision of all  
27 personnel, offices, divisions and facilities of the state public  
28 defender system, except that the director shall have no authority  
29 to direct or control the legal defense provided by a defender to

1 any person served by the state public defender system;

2 (5) Develop programs and administer activities to achieve  
3 the purposes of this chapter;

4 (6) Keep and maintain proper financial records with respect  
5 to the provision of all public defender services for use in the  
6 calculating of direct and indirect costs of any or all aspects of  
7 the operation of the state public defender system;

8 (7) Supervise the training of all public defenders and  
9 other personnel and establish such training courses as shall be  
10 appropriate;

11 (8) With approval of the commission, promulgate necessary  
12 rules, regulations and instructions consistent with this chapter  
13 defining the organization of the state public defender system and  
14 the responsibilities of division directors, district defenders,  
15 deputy district defenders, assistant public defenders and other  
16 personnel;

17 (9) With the approval of the commission, apply for and  
18 accept on behalf of the public defender system any funds which  
19 may be offered or which may become available from government  
20 grants, private gifts, donations or bequests or from any other  
21 source. Such moneys shall be deposited in the state general  
22 revenue fund;

23 (10) Contract for legal services with private attorneys on  
24 a case-by-case basis and with assigned counsel as the commission  
25 deems necessary considering the needs of the area, for fees  
26 approved and established by the commission;

27 (11) With the approval and on behalf of the commission,  
28 contract with private attorneys for the collection and  
29 enforcement of liens and other judgments owed to the state for

1 services rendered by the state public defender system[;

2 (12) Prepare a plan to establish district offices, the  
3 boundaries of which shall coincide with existing judicial  
4 circuits. Any district office may contain more than one judicial  
5 circuit within its boundaries, but in no event shall any district  
6 office boundary include any geographic region of a judicial  
7 circuit without including the entire judicial circuit. The  
8 director shall submit the plan to the chair of the house  
9 judiciary committee and the chair of the senate judiciary  
10 committee, with fiscal estimates, by December 31, 2014. The plan  
11 shall be implemented by December 31, 2021].

12 2. No rule or portion of a rule promulgated under the  
13 authority of this chapter shall become effective unless it has  
14 been promulgated pursuant to the provisions of section 536.024.

15 3. The director and defenders shall, within guidelines as  
16 established by the commission and as set forth in subsection 4 of  
17 this section, accept requests for legal services from eligible  
18 persons entitled to counsel under this chapter or otherwise so  
19 entitled under the constitution or laws of the United States or  
20 of the state of Missouri and provide such persons with legal  
21 services when, in the discretion of the director or the  
22 defenders, such provision of legal services is appropriate.

23 4. The director and defenders shall provide legal services  
24 to an eligible person:

25 (1) Who is detained or charged with a felony, including  
26 appeals from a conviction in such a case;

27 (2) Who is detained or charged with a misdemeanor which  
28 will probably result in confinement in the county jail upon  
29 conviction, including appeals from a conviction in such a case,

1 unless the prosecuting or circuit attorney has waived a jail  
2 sentence;

3 (3) Who is charged with a violation of probation when it  
4 has been determined by a judge that the appointment of counsel is  
5 necessary to protect the person's due process rights under  
6 section 559.036;

7 (4) Who has been taken into custody pursuant to section  
8 632.489, including appeals from a determination that the person  
9 is a sexually violent predator and petitions for release,  
10 notwithstanding any provisions of law to the contrary;

11 (5) For whom the federal constitution or the state  
12 constitution requires the appointment of counsel; and

13 (6) Who is charged in a case in which he or she faces a  
14 loss or deprivation of liberty, and in which the federal or the  
15 state constitution or any law of this state requires the  
16 appointment of counsel; however, the director and the defenders  
17 shall not be required to provide legal services to persons  
18 charged with violations of county or municipal ordinances, or  
19 misdemeanor offenses except as provided in this section.

20 5. The director may:

21 (1) Delegate the legal representation of an eligible person  
22 to any member of the state bar of Missouri;

23 (2) Designate persons as representatives of the director  
24 for the purpose of making indigency determinations and assigning  
25 counsel."; and

26 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4

Offered by

S. F. Ten

of

1stAmend SS/SCS/HCS/House Bill No. 192, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "302.574. 1. If a person who was operating a vehicle  
4 refuses upon the request of the officer to submit to any chemical  
5 test under section 577.041, the officer shall, on behalf of the  
6 director of revenue, serve the notice of license revocation  
7 personally upon the person and shall take possession of any  
8 license to operate a vehicle issued by this state which is held  
9 by that person. The officer shall issue a temporary permit, on  
10 behalf of the director of revenue, which is valid for fifteen  
11 days and shall also give the person notice of his or her right to  
12 file a petition for review to contest the license revocation.

13 2. Such officer shall make a certified report under  
14 penalties of perjury for making a false statement to a public  
15 official. The report shall be forwarded to the director of  
16 revenue and shall include the following:

17 (1) That the officer has:

18 (a) Reasonable grounds to believe that the arrested person  
19 was driving a motor vehicle while in an intoxicated condition; or

20 (b) Reasonable grounds to believe that the person stopped,  
21 being under the age of twenty-one years, was driving a motor  
22 vehicle with a blood alcohol content of two-hundredths of one  
23 percent or more by weight; or

24 (c) Reasonable grounds to believe that the person stopped,

1 being under the age of twenty-one years, was committing a  
2 violation of the traffic laws of the state, or political  
3 subdivision of the state, and such officer has reasonable grounds  
4 to believe, after making such stop, that the person had a blood  
5 alcohol content of two-hundredths of one percent or greater;

6 (2) That the person refused to submit to a chemical test;

7 (3) Whether the officer secured the license to operate a  
8 motor vehicle of the person;

9 (4) Whether the officer issued a fifteen-day temporary  
10 permit;

11 (5) Copies of the notice of revocation, the fifteen-day  
12 temporary permit, and the notice of the right to file a petition  
13 for review. The notices and permit may be combined in one  
14 document; and

15 (6) Any license, which the officer has taken into  
16 possession, to operate a motor vehicle.

17 3. Upon receipt of the officer's report, the director shall  
18 revoke the license of the person refusing to take the test for a  
19 period of one year; or if the person is a nonresident, such  
20 person's operating permit or privilege shall be revoked for one  
21 year; or if the person is a resident without a license or permit  
22 to operate a motor vehicle in this state, an order shall be  
23 issued denying the person the issuance of a license or permit for  
24 a period of one year.

25 4. If a person's license has been revoked because of the  
26 person's refusal to submit to a chemical test, such person may  
27 petition for a hearing before a circuit division or associate  
28 division of the court in the county in which the arrest or stop  
29 occurred. Pursuant to local court rule promulgated pursuant to

1 section 15 of article V of the Missouri Constitution, the case  
2 may also be assigned to a traffic judge pursuant to section  
3 479.500. The person may request such court to issue an order  
4 staying the revocation until such time as the petition for review  
5 can be heard. If the court, in its discretion, grants such stay,  
6 it shall enter the order upon a form prescribed by the director  
7 of revenue and shall send a copy of such order to the director.  
8 Such order shall serve as proof of the privilege to operate a  
9 motor vehicle in this state and the director shall maintain  
10 possession of the person's license to operate a motor vehicle  
11 until termination of any revocation under this section. Upon the  
12 person's request, the clerk of the court shall notify the  
13 prosecuting attorney of the county and the prosecutor shall  
14 appear at the hearing on behalf of the director of revenue. At  
15 the hearing, the court shall determine only:

16 (1) Whether the person was arrested or stopped;

17 (2) Whether the officer had:

18 (a) Reasonable grounds to believe that the person was  
19 driving a motor vehicle while in an intoxicated or drugged  
20 condition; or

21 (b) Reasonable grounds to believe that the person stopped,  
22 being under the age of twenty-one years, was driving a motor  
23 vehicle with a blood alcohol content of two-hundredths of one  
24 percent or more by weight; or

25 (c) Reasonable grounds to believe that the person stopped,  
26 being under the age of twenty-one years, was committing a  
27 violation of the traffic laws of the state, or political  
28 subdivision of the state, and such officer had reasonable grounds  
29 to believe, after making such stop, that the person had a blood

1 alcohol content of two-hundredths of one percent or greater; and

2 (3) Whether the person refused to submit to the test.

3 5. If the court determines any issue not to be in the  
4 affirmative, the court shall order the director to reinstate the  
5 license or permit to drive.

6 6. Requests for review as provided in this section shall go  
7 to the head of the docket of the court wherein filed.

8 7. No person who has had a license to operate a motor  
9 vehicle suspended or revoked under the provisions of this section  
10 shall have that license reinstated until such person has  
11 participated in and successfully completed a substance abuse  
12 traffic offender program defined in section 302.010, or a program  
13 determined to be comparable by the department of mental health.  
14 Assignment recommendations, based upon the needs assessment as  
15 described in subdivision (24) of section 302.010, shall be  
16 delivered in writing to the person with written notice that the  
17 person is entitled to have such assignment recommendations  
18 reviewed by the court if the person objects to the  
19 recommendations. The person may file a motion in the associate  
20 division of the circuit court of the county in which such  
21 assignment was given, on a printed form provided by the state  
22 courts administrator, to have the court hear and determine such  
23 motion under the provisions of chapter 517. The motion shall  
24 name the person or entity making the needs assessment as the  
25 respondent and a copy of the motion shall be served upon the  
26 respondent in any manner allowed by law. Upon hearing the  
27 motion, the court may modify or waive any assignment  
28 recommendation that the court determines to be unwarranted based  
29 upon a review of the needs assessment, the person's driving

1 record, the circumstances surrounding the offense, and the  
2 likelihood of the person committing a similar offense in the  
3 future, except that the court may modify but [may] shall not  
4 waive the assignment to an education or rehabilitation program of  
5 a person determined to be a prior or persistent offender as  
6 defined in section 577.001, or of a person determined to have  
7 operated a motor vehicle with a blood alcohol content of  
8 fifteen-hundredths of one percent or more by weight. Compliance  
9 with the court determination of the motion shall satisfy the  
10 provisions of this section for the purpose of reinstating such  
11 person's license to operate a motor vehicle. The respondent's  
12 personal appearance at any hearing conducted under this  
13 subsection shall not be necessary unless directed by the court.

14 8. The fees for the substance abuse traffic offender  
15 program, or a portion thereof, to be determined by the division  
16 of [alcohol and drug abuse] behavioral health of the department  
17 of mental health, shall be paid by the person enrolled in the  
18 program. Any person who is enrolled in the program shall pay, in  
19 addition to any fee charged for the program, a supplemental fee  
20 to be determined by the department of mental health for the  
21 purposes of funding the substance abuse traffic offender program  
22 defined in section 302.010. The administrator of the program  
23 shall remit to the division of [alcohol and drug abuse]  
24 behavioral health of the department of mental health on or before  
25 the fifteenth day of each month the supplemental fee for all  
26 persons enrolled in the program, less two percent for  
27 administrative costs. Interest shall be charged on any unpaid  
28 balance of the supplemental fees due to the division of [alcohol  
29 and drug abuse] behavioral health under this section, and shall

1 accrue at a rate not to exceed the annual rates established under  
2 the provisions of section 32.065, plus three percentage points.  
3 The supplemental fees and any interest received by the department  
4 of mental health under this section shall be deposited in the  
5 mental health earnings fund, which is created in section 630.053.

6 9. Any administrator who fails to remit to the division of  
7 [alcohol and drug abuse] behavioral health of the department of  
8 mental health the supplemental fees and interest for all persons  
9 enrolled in the program under this section shall be subject to a  
10 penalty equal to the amount of interest accrued on the  
11 supplemental fees due to the division under this section. If the  
12 supplemental fees, interest, and penalties are not remitted to  
13 the division of [alcohol and drug abuse] behavioral health of the  
14 department of mental health within six months of the due date,  
15 the attorney general of the state of Missouri shall initiate  
16 appropriate action for the collection of said fees and accrued  
17 interest. The court shall assess attorneys' fees and court costs  
18 against any delinquent program.

19 10. Any person who has had a license to operate a motor  
20 vehicle revoked under this section and who has a prior  
21 alcohol-related enforcement contact, as defined in section  
22 302.525, shall be required to file proof with the director of  
23 revenue that any motor vehicle operated by the person is equipped  
24 with a functioning, certified ignition interlock device as a  
25 required condition of license reinstatement. Such ignition  
26 interlock device shall further be required to be maintained on  
27 all motor vehicles operated by the person for a period of not  
28 less than six months immediately following the date of  
29 reinstatement. If the monthly monitoring reports show that the

1 ignition interlock device has registered any confirmed blood  
2 alcohol concentration readings above the alcohol setpoint  
3 established by the department of transportation or that the  
4 person has tampered with or circumvented the ignition interlock  
5 device within the last three months of the six-month period of  
6 required installation of the ignition interlock device, then the  
7 period for which the person [must] shall maintain the ignition  
8 interlock device following the date of reinstatement shall be  
9 extended until the person has completed three consecutive months  
10 with no violations as described in this section. If the person  
11 fails to maintain such proof with the director as required by  
12 this section, the license shall be rerevoked until proof as  
13 required by this section is filed with the director, and the  
14 person shall be guilty of a class A misdemeanor.

15 11. The revocation period of any person whose license and  
16 driving privilege has been revoked under this section and who has  
17 filed proof of financial responsibility with the department of  
18 revenue in accordance with chapter 303 and is otherwise eligible  
19 shall be terminated by a notice from the director of revenue  
20 after one year from the effective date of the revocation. Unless  
21 proof of financial responsibility is filed with the department of  
22 revenue, the revocation shall remain in effect for a period of  
23 two years from its effective date. If the person fails to  
24 maintain proof of financial responsibility in accordance with  
25 chapter 303, the person's license and driving privilege shall be  
26 rerevoked.

27 12. A person commits the offense of failure to maintain  
28 proof with the Missouri department of revenue if, when required  
29 to do so, he or she fails to file proof with the director of

1 revenue that any vehicle operated by the person is equipped with  
2 a functioning, certified ignition interlock device or fails to  
3 file proof of financial responsibility with the department of  
4 revenue in accordance with chapter 303. The offense of failure  
5 to maintain proof with the Missouri department of revenue is a  
6 class A misdemeanor."; and

7 Further amend said bill, page 4, section 386.515, line 1 by  
8 inserting after all of said line the following:

9 "479.500. 1. In the twenty-first judicial circuit, a  
10 majority of the circuit judges, en banc, may establish a traffic  
11 court, which shall be a division of the circuit court, and may  
12 authorize the appointment of not more than three municipal judges  
13 who shall be known as traffic judges. The traffic judges shall  
14 be appointed by a traffic court judicial commission consisting of  
15 the presiding judge of the circuit, who shall be the chair, one  
16 circuit judge elected by the circuit judges, one associate  
17 circuit judge elected by the associate circuit judges of the  
18 circuit, and two members appointed by the county executive of St.  
19 Louis County, each of whom shall represent one of the two  
20 political parties casting the highest number of votes at the next  
21 preceding gubernatorial election. The procedures and operations  
22 of the traffic court judicial commission shall be established by  
23 circuit court rule.

24 2. Traffic judges may be authorized to act as commissioners  
25 to hear in the first instance nonfelony violations of state law  
26 involving motor vehicles, and such other offenses as may be  
27 provided by circuit court rule. Traffic judges may also be  
28 authorized to hear in the first instance violations of county and  
29 municipal ordinances involving motor vehicles, and other county

1 ordinance violations, as provided by circuit court rule.

2 3. In the event that a county municipal court is  
3 established pursuant to section 66.010 which takes jurisdiction  
4 of county ordinance violations the circuit court may then  
5 authorize the appointment of no more than two traffic judges  
6 authorized to hear municipal ordinance violations other than  
7 county ordinance violations, and to act as commissioner to hear  
8 in the first instance nonfelony violations of state law involving  
9 motor vehicles, and such other offenses as may be provided by  
10 rule. These traffic court judges also may be authorized to act  
11 as commissioners to hear in the first instance petitions to  
12 review decisions of the department of revenue or the director of  
13 revenue filed pursuant to sections 302.309 and 302.311 and, prior  
14 to January 1, 2002, pursuant to sections 302.535 and 302.750.

15 4. After January 1, 2002, traffic judges, in addition to  
16 the authority provided in subsection 3 of this section, may be  
17 authorized by local court rule adopted pursuant to Article V,  
18 Section 15 of the Missouri Constitution to conduct proceedings  
19 pursuant to sections 302.535, 302.574, and 302.750, subject to  
20 procedures that preserve a meaningful hearing before a judge of  
21 the circuit court, as follows:

22 (1) Conduct the initial call docket and accept uncontested  
23 dispositions of petitions to review;

24 (2) The petitioner shall have the right to the de novo  
25 hearing before a judge of the circuit court, except that, at the  
26 option of the petitioner, traffic judges may hear in the first  
27 instance such petitions for review.

28 5. In establishing a traffic court, the circuit may be  
29 divided into such sectors as may be established by a majority of

1 the circuit and associate circuit judges, en banc. The traffic  
2 court in each sector shall hear those cases arising within the  
3 territorial limits of the sector unless a case arising within  
4 another sector is transferred as provided by operating  
5 procedures.

6 6. Traffic judges shall be licensed to practice law in this  
7 state and shall serve at the pleasure of a majority of the  
8 circuit and associate circuit judges, en banc, and shall be  
9 residents of St. Louis County, and shall receive from the state  
10 as annual compensation an amount equal to one-third of the annual  
11 compensation of an associate circuit judge. Each judge shall  
12 devote approximately one-third of his working time to the  
13 performance of his duties as a traffic judge. Traffic judges  
14 shall not accept or handle cases in their practice of law which  
15 are inconsistent with their duties as a traffic judge and shall  
16 not be a judge or prosecutor for any other court. Traffic judges  
17 shall not be considered state employees and shall not be members  
18 of the state employees' or judicial retirement system or be  
19 eligible to receive any other employment benefit accorded state  
20 employees or judges.

21 7. A majority of the judges, en banc, shall establish  
22 operating procedures for the traffic court which shall provide  
23 for regular sessions in the evenings after 6:00 p.m. and for  
24 Saturday or other sessions as efficient operation and convenience  
25 to the public may require. Proceedings in the traffic court,  
26 except when a judge is acting as a commissioner pursuant to this  
27 section, shall be conducted as provided in supreme court rule 37.  
28 The hearing shall be before a traffic judge without jury, and the  
29 judge shall assume an affirmative duty to determine the merits of

1 the evidence presented and the defenses of the defendant and may  
2 question parties and witnesses. In the event a jury trial is  
3 requested, the cause shall be certified to the circuit court for  
4 trial by jury as otherwise provided by law. Clerks and computer  
5 personnel shall be assigned as needed for the efficient operation  
6 of the court.

7 8. In establishing operating procedure, provisions shall be  
8 made for appropriate circumstances whereby defendants may enter  
9 not guilty pleas and obtain trial dates by telephone or written  
10 communication without personal appearance, or to plead guilty and  
11 deliver by mail or electronic transfer or other approved method  
12 the specified amount of the fine and costs as otherwise provided  
13 by law, within a specified period of time.

14 9. Operating procedures shall be provided for electronic  
15 recording of proceedings, except that if adequate recording  
16 equipment is not provided at county expense, then, in that event,  
17 a person aggrieved by a judgment of a traffic judge or  
18 commissioner shall have the right of a trial de novo. The  
19 procedures for perfecting the right of a trial de novo shall be  
20 the same as that provided under sections 512.180 to 512.320,  
21 except that the provisions of subsection 2 of section 512.180  
22 shall not apply to such cases.

23 10. The circuit court shall only have the authority to  
24 appoint two commissioners with the jurisdiction provided in  
25 subsection 3 of this section.

26 11. All costs to establish and operate a county municipal  
27 court under section 66.010 and this section shall be borne by  
28 such county."; and  
29

1 Further amend the title and enacting clause accordingly.

  
**SENATE AMENDMENT NO. 4**

Offered by Luetkemeyer of 34th

Amend SS/SCS/HCS/House Bill No. 192, Page 4, Section 386.515, Line 1,

2 by inserting after all of said line the following:

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

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

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

24 4. Notwithstanding any other statute, a municipal judge

Offered 5/9/19

1 need not be a resident of the municipality or of the circuit in  
2 which the municipal judge serves except where ordinance or  
3 charter provides otherwise. Municipal judges shall be residents  
4 of Missouri.

5 5. Judges selected under the provisions of this section  
6 shall be municipal judges of the circuit court and shall be  
7 divisions of the circuit court of the circuit in which the  
8 municipality, or major geographical portion thereof, is located.  
9 The judges of these municipal divisions shall be subject to the  
10 rules of the circuit court which are not inconsistent with the  
11 rules of the supreme court. The presiding judge of the circuit  
12 shall have general administrative authority over the judges and  
13 court personnel of the municipal divisions within the circuit.

14 6. No municipal judge shall hold any other office in the  
15 municipality which the municipal judge serves as judge. The  
16 compensation of any municipal judge and other court personnel  
17 shall not be dependent in any way upon the number of cases tried,  
18 the number of guilty verdicts reached or the amount of fines  
19 imposed or collected.

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

23 8. Within six months after selection for the position, each  
24 municipal judge who is not licensed to practice law in this state  
25 shall satisfactorily complete the course of instruction for  
26 municipal judges prescribed by the supreme court. The state  
27 courts administrator shall certify to the supreme court the names  
28 of those judges who satisfactorily complete the prescribed  
29 course. If a municipal judge fails to complete satisfactorily

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

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

11 479.353. 1. Notwithstanding any provisions to the  
12 contrary, the following conditions shall apply to minor traffic  
13 violations and municipal ordinance violations:

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

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

18 (b) For municipal ordinance violations committed within a  
19 twelve-month period beginning with the first violation: two  
20 hundred dollars for the first municipal ordinance violation, two  
21 hundred seventy-five dollars for the second municipal ordinance  
22 violation, three hundred fifty dollars for the third municipal  
23 ordinance violation, and four hundred fifty dollars for the  
24 fourth and any subsequent municipal ordinance violations;

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

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

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

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

14           2. If an individual has been held in custody on a notice to  
15 show cause or an arrest warrant for an underlying minor traffic  
16 violation, the court, on its own motion or on the motion of any  
17 interested party, may review the original fine and sentence and  
18 waive or reduce such fine or sentence if the court finds it  
19 reasonable given the circumstances of the case.

20           479.354. For any notice to appear, citation, or summons on  
21 a minor traffic violation, the date and time the defendant is to  
22 appear in court shall be given when such notice to appear,  
23 citation, or summons is first provided to the defendant. If said  
24 notice is not properly given, the court shall reissue the notice,  
25 citation, or summons to the defendant and shall specifically set  
26 forth the date and time for the defendant to appear."; and

27           Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 7

Offered by



of

33

Amend

SS/SCS/HCS/HouseBill No. 192,Page 1,Section A,Line 4,

2 by inserting after all of said line the following:

3 "57.280. 1. Sheriffs shall receive a charge for service of  
4 any summons, writ or other order of court, in connection with any  
5 civil case, and making on the same either a return indicating  
6 service, a non est return or a nulla bona return, the sum of  
7 twenty dollars for each item to be served, except that a sheriff  
8 shall receive a charge for service of any subpoena, and making a  
9 return on the same, the sum of ten dollars; however, no such  
10 charge shall be collected in any proceeding when court costs are  
11 to be paid by the state, county or municipality. In addition to  
12 such charge, the sheriff shall be entitled to receive for each  
13 mile actually traveled in serving any summons, writ, subpoena or  
14 other order of court the rate prescribed by the Internal Revenue  
15 Service for all allowable expenses for motor vehicle use  
16 expressed as an amount per mile, provided that such mileage shall  
17 not be charged for more than one subpoena or summons or other  
18 writ served in the same cause on the same trip. All of such  
19 charges shall be received by the sheriff who is requested to  
20 perform the service. Except as otherwise provided by law, all  
21 charges made pursuant to this section shall be collected by the  
22 court clerk as court costs and are payable prior to the time the  
23 service is rendered; provided that if the amount of such charge  
24 cannot be readily determined, then the sheriff shall receive a

Offered 5/9/19

1 deposit based upon the likely amount of such charge, and the  
2 balance of such charge shall be payable immediately upon  
3 ascertainment of the proper amount of said charge. A sheriff may  
4 refuse to perform any service in any action or proceeding, other  
5 than when court costs are waived as provided by law, until the  
6 charge provided by this section is paid. Failure to receive the  
7 charge shall not affect the validity of the service.

8 2. The sheriff shall receive for receiving and paying  
9 moneys on execution or other process, where lands or goods have  
10 been levied and advertised and sold, five percent on five hundred  
11 dollars and four percent on all sums above five hundred dollars,  
12 and half of these sums, when the money is paid to the sheriff  
13 without a levy, or where the lands or goods levied on shall not  
14 be sold and the money is paid to the sheriff or person entitled  
15 thereto, his agent or attorney. The party at whose application  
16 any writ, execution, subpoena or other process has issued from  
17 the court shall pay the sheriff's costs for the removal,  
18 transportation, storage, safekeeping and support of any property  
19 to be seized pursuant to legal process before such seizure. The  
20 sheriff shall be allowed for each mile, going and returning from  
21 the courthouse of the county in which he resides to the place  
22 where the court is held, the rate prescribed by the Internal  
23 Revenue Service for all allowable expenses for motor vehicle use  
24 expressed as an amount per mile. The provisions of this  
25 subsection shall not apply to garnishment proceeds.

26 3. The sheriff upon the receipt of the charge herein  
27 provided for shall pay into the treasury of the county any and  
28 all charges received pursuant to the provisions of this section.  
29 The funds collected pursuant to this section, not to exceed fifty

1 thousand dollars in any calendar year, shall be held in a fund  
2 established by the county treasurer, which may be expended at the  
3 discretion of the sheriff for the furtherance of the sheriff's  
4 set duties. Any such funds in excess of fifty thousand dollars  
5 in any calendar year shall be placed to the credit of the general  
6 revenue fund of the county. Moneys in the fund shall be used  
7 only for the procurement of services and equipment to support the  
8 operation of the sheriff's office. Moneys in the fund  
9 established pursuant to this subsection shall not lapse to the  
10 county general revenue fund at the end of any county budget or  
11 fiscal year.

12 4. Notwithstanding the provisions of subsection 3 of this  
13 section to the contrary, the sheriff, or any other person  
14 specially appointed to serve in a county that receives funds  
15 under section 57.278, shall receive ten dollars for service of  
16 any summons, writ, subpoena, or other order of the court included  
17 under subsection 1 of this section, in addition to the charge for  
18 such service that each sheriff receives under subsection 1 of  
19 this section. The money received by the sheriff, or any other  
20 person specially appointed to serve in a county that receives  
21 funds under section 57.278, under this subsection shall be paid  
22 into the county treasury and the county treasurer shall make such  
23 money payable to the state treasurer. The state treasurer shall  
24 deposit such moneys in the deputy sheriff salary supplementation  
25 fund created under section 57.278."; and

26 Further amend the title and enacting clause accordingly.