

FIRST REGULAR SESSION

# HOUSE BILL NO. 678

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE EGGLESTON.

0818H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 49.310 and 476.083, RSMo, and to enact in lieu thereof two new sections relating to areas of a court of law.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 49.310 and 476.083, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.310 and 476.083, to read as follows:

49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           2. The county commission in all counties of the fourth classification and any county of  
19 the third, second, or first classification may provide for the erection and maintenance of a good  
20 and sufficient jail or holding cell facility at a site in the county other than at the established seat  
21 of justice.

22           **3. For any courthouse that contains both a county office and a courtroom, the**  
23 **presiding circuit, associate, or municipal judge may establish rules for courtrooms, jury**  
24 **rooms, and chambers or offices of the court, but the county commission shall have**  
25 **authority over all other areas of the courthouse.**

          476.083. 1. In addition to any appointments made pursuant to section 485.010, the  
2 presiding judge of each circuit containing one or more facilities operated by the department of  
3 corrections with an average total inmate population in all such facilities in the circuit over the  
4 previous two years of more than two thousand five hundred inmates or containing, as of January  
5 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental  
6 health facility operated by the department of mental health which houses persons found not guilty  
7 of a crime by reason of mental disease or defect under chapter 552 and provides sex offender  
8 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the  
9 presiding judge in the administration of the judicial business of the circuit by overseeing the  
10 physical security of ~~[the courthouse,]~~ **courtrooms, jury rooms, and chambers or offices of the**  
11 **court;** serving court-generated papers and orders~~;~~ ; and assisting the judges of the circuit as the  
12 presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the  
13 provisions of this section shall serve at the pleasure of the presiding judge. The circuit court  
14 marshal authorized by this section is in addition to staff support from the circuit clerks, deputy  
15 circuit clerks, division clerks, municipal clerks, and any other staff personnel which may  
16 otherwise be provided by law.

17           2. The salary of a circuit court marshal shall be established by the presiding judge of the  
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety  
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that  
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant  
21 moneys which are available for that purpose and not from county funds.

22           3. Any person appointed as a circuit court marshal pursuant to this section shall have at  
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall  
24 within one year after appointment, or as soon as practicable, attend a court security school or  
25 training program operated by the United States Marshal Service. In addition to all other powers  
26 and duties prescribed in this section, a circuit court marshal may:

- 27           (1) Serve process;  
28           (2) Wear a concealable firearm; and

29           (3) Make an arrest based upon local court rules and state law, and as directed by the  
30   presiding judge of the circuit.

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