

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 678

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

0818H.01P

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 49.310, 476.083, and 478.600, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof four new sections relating to areas of a court of law.

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

Section A. Sections 49.310, 476.083, and 478.600, RSMo, section 49.266 as enacted by  
2 senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266  
3 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are  
4 repealed and four new sections enacted in lieu thereof, to be known as sections 49.266, 49.310,  
5 476.083, and 478.600 to read as follows:

~~[49.266. 1. The county commission in all noncharter counties may by  
2 order or ordinance promulgate reasonable regulations concerning the use of  
3 county property, the hours, conditions, methods and manner of such use and the  
4 regulation of pedestrian and vehicular traffic and parking thereon.~~

~~5 ——— 2. Violation of any regulation so adopted under subsection 1 of this  
6 section is an infraction.~~

~~7 ——— 3. Upon a determination by the state fire marshal that a burn ban order  
8 is appropriate for a county because:~~

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.

9 ~~————— (1) An actual or impending occurrence of a natural disaster of major~~  
10 ~~proportions within the county jeopardizes the safety and welfare of the~~  
11 ~~inhabitants of such county; and~~

12 ~~————— (2) The U.S. Drought Monitor has designated the county as an area of~~  
13 ~~severe, extreme, or exceptional drought, the county commission may adopt an~~  
14 ~~order or ordinance issuing a burn ban, which may carry a penalty of up to a class~~  
15 ~~A misdemeanor. State agencies responsible for fire management or suppression~~  
16 ~~activities and persons conducting agricultural burning using best management~~  
17 ~~practices shall not be subject to the provisions of this subsection. The ability of~~  
18 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~  
19 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~  
20 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~  
21 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~  
22 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~  
23 ~~term "consumer fireworks" is defined under section 320.106.~~

24 ~~————— 4. The regulations so adopted shall be codified, printed and made~~  
25 ~~available for public use and adequate signs concerning smoking, traffic and~~  
26 ~~parking regulations shall be posted.]~~

27

49.266. 1. The county commission in all **noncharter** counties ~~[of the first, second or~~  
2 ~~fourth classification]~~ may by order or ordinance promulgate reasonable regulations concerning  
3 the use of county property, the hours, conditions, methods and manner of such use and the  
4 regulation of pedestrian and vehicular traffic and parking thereon.

5 2. Violation of any regulation so adopted under subsection 1 of this section is an  
6 infraction.

7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for  
8 a county because:

9 (1) An actual or impending occurrence of a natural disaster of major proportions within  
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and

11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,  
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn  
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for  
14 fire management or suppression activities and persons conducting agricultural burning using best  
15 management practices shall not be subject to the provisions of this subsection. The ability of an  
16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of  
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or

18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American  
19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other  
20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public  
22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

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

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. In the absence of a local agreement otherwise, for any courthouse that contains**  
23 **both county offices and court facilities, the presiding judge of the circuit may establish**  
24 **rules and procedures for court facilities and areas necessary for court-related ingress,**  
25 **court-related egress and other reasonable court-related usage, but the county commission**  
26 **shall have 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,]~~ **court facilities, including courtrooms, jury rooms, and**  
11 **chambers or offices of the court;** serving court-generated papers and orders[,]; and assisting  
12 the judges of the circuit as the presiding judge determines appropriate. Such circuit court  
13 marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the  
14 presiding judge. The circuit court marshal authorized by this section is in addition to staff  
15 support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any  
16 other staff personnel which may 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.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These  
2 judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007,  
3 there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in  
4 divisions numbered one, two, three, four, five, and seven. The division five associate circuit  
5 judge position and the division seven associate circuit judge position shall become circuit judge  
6 positions beginning January 1, 2007, and shall be numbered as divisions five and seven.  
7 **Beginning January 1, 2023, there shall be seven circuit judges in the eleventh judicial**  
8 **circuit, and these judges shall sit in divisions numbered one, two, three, four, five, seven,**  
9 **and fifteen.**

10 2. The circuit judge in division two shall be elected in 1980. The circuit judge in  
11 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

12 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five  
13 and seven shall be elected for a six-year term in 2006. **The circuit judge in division fifteen**  
14 **shall be elected in 2022.**

15 3. Beginning January 1, 2007, the family court commissioner positions in the eleventh  
16 judicial circuit appointed under section 487.020 shall become associate circuit judge positions  
17 in all respects and shall be designated as divisions nine and ten respectively. These positions  
18 may retain the duties and responsibilities with regard to the family court. The associate circuit  
19 judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

20 4. Beginning on January 1, 2007, the treatment court commissioner position in the  
21 eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge  
22 position in all respects and shall be designated as division eleven. This position ~~[retains]~~ **may**  
23 **retain** the duties and responsibilities with regard to the treatment court. Such associate circuit  
24 judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not  
25 be included in the statutory formula for authorizing additional associate circuit judgeships per  
26 county under section 478.320.

27 5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge  
28 position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016.  
29 This associate circuit judgeship shall not be included in the statutory formula for authorizing  
30 additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019,  
31 there shall be one additional associate circuit judge position in the eleventh judicial circuit. The  
32 associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be  
33 included in the statutory formula for authorizing additional circuit judgeships per county under  
34 section 478.320.

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