

FIRST REGULAR SESSION

HOUSE BILL NO. 855

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

1439H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 512.180, RSMo, and to enact in lieu thereof one new section relating to transfer of appeals.

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

Section A. Section 512.180, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 512.180, to read as follows:

512.180. 1. Any person aggrieved by a **final judgment entered** in a civil case, **summarily or involuntarily, with prejudice, or** tried without a jury, before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, **and in all cases disposed of summarily or involuntarily, with prejudice, or tried without a jury, before a municipal court or under the provisions of chapters 482, 534, and 535,** shall have the right of **either** a trial de novo ~~[in all cases tried before municipal court or under the provisions of chapter 482 or 535]~~ **or a direct appeal upon the record to the appropriate appellate court.**

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the Supreme Court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

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.

17 **3. In all proceedings reviewable on appeal by trial de novo, by the supreme court**
18 **or a court of appeals, appeals shall go directly to the court or district having**
19 **jurisdiction, but want of jurisdiction shall not be grounds for dismissal, and the**
20 **proceeding shall be transferred to the circuit or appellate court having jurisdiction. An**
21 **original action filed in a court lacking jurisdiction or venue shall be transferred to the**
22 **appropriate court.**

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