

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 93 & 1139
103RD GENERAL ASSEMBLY

0305H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 478.330, 478.550, 478.610, 478.690, 478.700, 478.705, and 478.710, RSMo, and to enact in lieu thereof eight new sections relating to the authorization of additional judgeships in certain judicial circuits.

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

Section A. Sections 478.330, 478.550, 478.610, 478.690, 478.700, 478.705, and
2 478.710, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 478.330, 478.376, 478.550, 478.610, 478.690, 478.700, 478.705, and 478.710, to
4 read as follows:

478.330. 1. When an annual judicial performance report submitted pursuant to
2 section 477.405 indicates for three consecutive calendar years the need for two or more full-
3 time judicial positions in any judicial circuit there shall be one additional circuit judge
4 position authorized in such circuit, subject to ~~[appropriations]~~ **an initial appropriation** made
5 for that purpose. **The clerk of the supreme court shall notify the Missouri revisor of**
6 **statutes of any new circuit judgeships authorized under this section, and the Missouri**
7 **revisor of statutes shall publish a footnote to this section listing the authorized**
8 **judgeships and corresponding judicial circuits.**

9 2. **Except in circuits where circuit judges are selected under the provisions of**
10 **Sections 25(a) to 25(g) of Article V of the Missouri Constitution, a circuit judge**
11 **authorized under subsection 1 of this section shall be elected at the next general election**
12 **after the authorization, and every six years thereafter. Such judicial position shall not**
13 **be considered vacant or filled by appointment until January first next following the**
14 **authorization.** Except in circuits where circuit judges are selected under the provisions of

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.

15 Sections 25(a) to 25(g) of Article V of the Missouri Constitution, the election of circuit judges
16 authorized by this section shall be conducted in accordance with chapter 115.

478.376. There shall be three circuit judges in the sixth judicial circuit.

478.550. 1. There shall be four circuit judges in the twenty-third judicial circuit
2 consisting of the county of Jefferson. These judges shall sit in divisions numbered one, two,
3 three and four. Beginning on January 1, 2007, there shall be six circuit judges in the twenty-
4 third judicial district and these judges shall sit in divisions numbered one, two, three, four,
5 five, and six. The division eleven associate circuit judge position and the division twelve
6 associate circuit judge shall become circuit judge positions beginning January 1, 2007. The
7 division eleven associate circuit judge shall be numbered as division five and the division
8 twelve associate circuit judge shall be numbered as division six.

9 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
10 divisions one and four shall be elected in 1982. The circuit judge in division two shall be
11 elected in 1984. The circuit judges in divisions five and six shall be elected for a six-year
12 term in 2006.

13 3. Beginning January 1, 2007, the family court commissioner position in the twenty-
14 third judicial district appointed under section 487.020 shall become an associate circuit judge
15 position in all respects and shall be designated as division eleven. This position may retain
16 the duties and responsibilities with regard to the family court. The associate circuit judge in
17 division eleven shall be elected in 2006 for a full four-year term. This associate circuit
18 judgeship shall not be included in the statutory formula for authorizing additional associate
19 circuit judgeships per county under section 478.320.

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

27 **5. There shall be one additional associate circuit judge position in the twenty-**
28 **third judicial circuit. This associate circuit judgeship shall not be included in the**
29 **statutory formula for authorizing additional associate circuit judgeships per county**
30 **under section 478.320. The governor shall appoint such judge, and that judge shall**
31 **serve until January 1, 2029. An associate circuit judge shall be elected in 2028.**

478.610. 1. ~~[There shall be three circuit judges in the thirteenth judicial circuit~~
2 ~~consisting of the counties of Boone and Callaway. These judges shall sit in divisions~~
3 ~~numbered one, two and three. Beginning on January 1, 2007,]~~ There shall be [four] five

4 circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered
5 one, two, three, ~~[and]~~ four, **and thirteen.**

6 2. The circuit judge in division two shall be elected in 1980. The circuit judges in
7 divisions one and three shall be elected in 1982. The circuit judge in division four shall be
8 elected in ~~[2006 for a two-year term and thereafter in]~~ 2008 ~~[for a full six-year term]~~, **and**
9 **every six years thereafter. The circuit judge in division thirteen shall be elected in 2030,**
10 **and every six years thereafter.**

11 3. Beginning August 28, 2001, there shall be one more additional associate circuit
12 judge position in Boone County than is provided pursuant to section 478.320.

478.690. 1. There shall be ~~[two]~~ **three** circuit judges in the twenty-fourth judicial
2 circuit ~~[consisting of the counties of Madison, St. Francois, Ste. Genevieve and Washington].~~
3 These judges shall sit in divisions numbered one ~~[and]~~, two, **and three.**

4 2. The circuit judges in divisions one and two shall be elected in 1982. **The governor**
5 **shall appoint a circuit judge for division three, and that circuit judge shall serve until**
6 **January 1, 2027. A circuit judge for division three shall be elected in 2026, and every six**
7 **years thereafter.**

478.700. 1. There shall be ~~[two]~~ **three** circuit judges in the twenty-fifth judicial
2 circuit ~~[consisting of the counties of Maries, Phelps, Pulaski and Texas].~~ These judges shall
3 sit in divisions numbered one ~~[and]~~, two, **and three.**

4 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
5 division one shall be elected in 1982. **The governor shall appoint a circuit judge for**
6 **division three, and that circuit judge shall serve until January 1, 2027. A circuit judge**
7 **for division three shall be elected in 2026, and every six years thereafter.**

478.705. 1. There shall be three circuit judges in the twenty-sixth judicial circuit
2 ~~[consisting of the counties of Camden, Laeude, Miller, Moniteau and Morgan].~~ These judges
3 shall sit in divisions numbered one, two, and three.

4 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
5 division one shall be elected in 1982. The governor shall appoint a judge for division three
6 and notwithstanding the provisions of section 105.030, that judge shall serve until January 1,
7 2021. A judge for division three shall be elected in 2020, **and every six years thereafter.**

8 **3. There shall be one additional associate circuit judge in Miller County. This**
9 **associate circuit judge shall not be included in the statutory formula for authorizing**
10 **additional associate circuit judges per county as provided under section 478.320. The**
11 **governor shall appoint such judge, and that judge shall serve until January 1, 2029. An**
12 **associate circuit judge shall be elected in 2028, and every four years thereafter.**

478.710. 1. There shall be ~~[two]~~ **three** circuit judges in the thirty-second judicial
2 circuit consisting of the counties of Perry, Bollinger, and Cape Girardeau. These judges shall
3 sit in ~~[two]~~ **three** divisions numbered one ~~[and]~~, two, **and three**.

4 2. The circuit judge in division two shall be elected in 1982. The circuit judge in
5 division one shall be elected in 1984. **The governor shall appoint a circuit judge for**
6 **division three and that circuit judge shall serve until January 1, 2029. A circuit judge**
7 **for division three shall be elected in 2028.**

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