

FIRST REGULAR SESSION

HOUSE BILL NO. 1378

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

2670H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 476.458, RSMo, and to enact in lieu thereof one new section relating to retirement for certain judges.

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

Section A. Section 476.458, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.458, to read as follows:

476.458. 1. Except as otherwise provided in this section, or by any other law, **associate circuit judges**, magistrate judges, probate judges, and probate ex officio magistrate judges shall retire at the age of seventy years and may participate, if otherwise eligible, in the retirement plan established by sections 476.515 to 476.570, except that, the provisions of sections 476.458, ~~[478.015, 478.021, 478.071,]~~ 478.072, ~~[482.040, 482.090, 482.230,]~~ **and** 482.300 to 482.365 ~~[and 483.497]~~ shall not prevent any person holding the office of **associate circuit judge**, magistrate judge, probate judge or probate ex officio magistrate judge, or any person elected or appointed to the office of **associate circuit judge**, magistrate judge, probate judge or probate ex officio magistrate judge from holding office during the remainder of the term to which he **or she** was elected or appointed.

2. Any magistrate judge, probate judge not under the nonpartisan court plan, or probate ex officio magistrate judge who on August 13, 1976, or within six months thereafter, is seventy years of age or older, may petition the commission on retirement, removal and discipline to continue to serve until age seventy-six if he **or she** has not completed a total of twelve years of service as a judge. Except as otherwise provided by any other law, any magistrate judge, probate judge not under the nonpartisan court plan, or probate ex officio magistrate judge, who is in office on August 13, 1976, may, within six months before

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 attaining the age of seventy years, petition the commission on retirement, removal, and
19 discipline to be allowed to serve after he **or she** has attained that age until age seventy-six or
20 has completed a total of twelve years of service as a judge, whichever shall occur first. If the
21 commission finds the petitioner to be able to perform his **or her** duties and approves such
22 service, the petitioner may continue to serve as such a judge until age seventy-six if he **or she**
23 has not completed a total of twelve years of service as a judge at such age. No person shall be
24 permitted to serve as such a judge beyond the age of seventy-six years regardless of whether
25 or not he **or she** has completed a total of twelve years except for the purpose of completing
26 the term to which he **or she** was elected or appointed, as provided in subsection 1 of this
27 section.

28 3. Any magistrate, regardless of age elected in 1976 to fill an unexpired term shall be
29 permitted to complete that term.

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