

FIRST REGULAR SESSION

# HOUSE BILL NO. 1502

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKER.

3152H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal sections 476.056 and 478.250, RSMo, and to enact in lieu thereof two new sections relating to court administration.

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

Section A. Sections 476.056 and 478.250, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 476.056 and 478.250, to read as follows:

476.056. 1. Any city, county, village or other municipality may provide for  
2 automation of its municipal court pursuant to subsection 3 of section 476.055, in the manner  
3 provided in this section. In order to make such provisions, such municipality must:

4 (1) Adopt an ordinance imposing the surcharge in the amount allowed, and payable in  
5 the manner provided, by section ~~[476.053]~~ **488.027**, and sections 488.010 to 488.020;

6 (2) Enter into an agreement with the state courts administrator for automation of the  
7 municipality's court. Such agreement may provide for continuation of the surcharge for a  
8 minimum period of time, payable to the fund established by section 476.055, or a special fund  
9 established in the state treasury for such purpose upon expiration of section 476.055, for  
10 payment of a guaranteed minimum annual amount in the event that payment of such  
11 surcharges shall not offset the cost of the automation of the municipality's court; and such  
12 other terms as may be agreed on between the municipality and the state courts administrator.

13 2. Notwithstanding the provisions of section ~~[476.053]~~ **488.027**, the payment of any  
14 surcharge provided by this section may continue for a period in excess of that allowed by  
15 section ~~[476.053]~~ **488.027** for payment of surcharges in the circuit courts. The provisions of  
16 section 33.080 shall not apply to any special fund established pursuant to this section.

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.

478.250. 1. Until otherwise provided by court rule authorized by the constitution or by court order authorized by law, cases shall continue to be filed in the same places and the same filing, docketing and assignment of case procedures shall apply as were in effect on January 1, 1979, with respect to the same categories of cases.

2. In those counties with centralized filing, if a case is within those categories of cases enumerated in subdivisions (1) and (2) of subsection 1 of section 517.011, the plaintiff when filing the case may designate at the time of filing that the case shall be heard and determined under the civil practice and procedure applicable before circuit judges~~], and in such event the case shall be heard and determined by a circuit judge unless an associate circuit judge shall be assigned or transferred to hear and determine the case pursuant to section 478.240 or 478.245 or Section 6 of Article V of the Constitution. If no such designation is made, the case shall be heard and determined under chapter 517].~~

3. In the assignment of cases to associate circuit judges in circuit courts with more than one resident associate circuit judge, insofar as is reasonably possible and consistent with the proper administration of justice, assignments made either pursuant to local circuit court rule or by the presiding judge:

(1) Shall not effect an assignment of the cause from the courthouse where the case is filed to another courthouse in the county for hearing without the consent of the parties shown except for good cause shown; and

(2) Shall be made in such manner as will assure that when a litigant or counsel simultaneously file a number of cases of a similar character to be heard before an associate circuit judge, such cases will be assigned as a group to a single associate circuit judge or in such other manner as will reasonably assure that they will be processed and heard without setting or return date conflicts which would require counsel to appear on multiple occasions or at conflicting times.

4. The provisions of subsection 3 of this section shall apply as to assignments made where a centralized docketing procedure has been adopted by local court order under the provisions of subsection 4 of section 478.245.

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