

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NOS. 2968, 2427 & 3086**

**103RD GENERAL ASSEMBLY**

6731H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 478.370, 478.385, 478.387, 478.463, 478.527, 478.550, 478.570, 478.600, 478.630, 478.700, 478.705, 478.715, 478.730, 478.750, and 487.020, RSMo, and to enact in lieu thereof fifteen new sections relating to certain judicial circuits.

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

Section A. Sections 478.370, 478.385, 478.387, 478.463, 478.527, 478.550, 478.570, 2 478.600, 478.630, 478.700, 478.705, 478.715, 478.730, 478.750, and 487.020, RSMo, are 3 repealed and fifteen new sections enacted in lieu thereof, to be known as sections 478.370, 4 478.385, 478.387, 478.463, 478.527, 478.550, 478.570, 478.600, 478.630, 478.700, 478.705, 5 478.715, 478.730, 478.750, and 487.020, to read as follows:

478.370. 1. There shall be four circuit judges in the fifth judicial circuit [~~consisting of~~ 2 ~~the counties of Buchanan and Andrew~~]. These judges shall sit in divisions numbered one, 3 two, three and four.

4 2. The circuit judge in division two shall be elected in 1980. The circuit judges in 5 divisions one, three and four shall be elected in 1982.

478.385. There shall be four circuit judges in the seventh judicial circuit [~~consisting~~ 2 ~~of the county of Clay~~]. **Beginning fiscal year 2028, there shall be five circuit judges in the** 3 **seventh judicial circuit.**

478.387. There shall be twenty-four circuit judges in the twenty-second judicial 2 circuit [~~consisting of the city of St. Louis~~].

478.463. There shall be nineteen circuit judges in the sixteenth judicial circuit 2 [~~consisting of the county of Jackson~~]. These judges shall sit in nineteen divisions. Divisions 3 one, three, four, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen, and eighteen 4 shall sit at the city of Kansas City and divisions two, five, twelve, sixteen, and seventeen shall

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.

5 sit at the city of Independence. Division nineteen shall sit at both the city of Kansas City and  
6 the city of Independence. Notwithstanding the foregoing provisions, the judge of the probate  
7 division shall sit at both the city of Kansas City and the city of Independence.

478.527. 1. There shall be three circuit judges in the twenty-ninth judicial circuit  
2 [~~consisting of the county of Jasper~~]. These judges shall sit in divisions numbered one, two  
3 and three.

4 2. The circuit judge of division two shall be elected in 1980. The circuit judges of  
5 divisions one and three shall be elected in 1982.

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. Beginning fiscal year 2028, there shall be one additional associate circuit**  
28 **judgeship in the twenty-third judicial circuit. This associate circuit judgeship shall not**  
29 **be included in the statutory formula for authorizing additional associate circuit**

30 **judgeships per county under section 478.320. The governor shall appoint such judge,**  
31 **and that judge shall serve until January 1, 2029. An associate circuit judge shall be**  
32 **elected in 2028 and every four years thereafter.**

478.570. 1. There shall be two circuit judges in the seventeenth judicial circuit  
2 [~~consisting of the counties of Cass and Johnson~~]. These judges shall sit in divisions  
3 numbered one and two.

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.

6 3. Beginning on January 1, 2006, there shall be one additional associate circuit judge  
7 position in Cass County than is provided under section 478.320.

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,  
3 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit  
4 in divisions numbered one, two, three, four, five, and seven. The division five associate  
5 circuit judge position and the division seven associate circuit judge position shall become  
6 circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and  
7 seven. **Beginning January 1, 2029, there shall be seven circuit judges in the eleventh**  
8 **judicial circuit and these judges shall sit in divisions numbered one, two, three, four,**  
9 **five, seven, and seventeen.**

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  
12 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in  
13 divisions five and seven shall be elected for a six-year term in 2006. **The circuit judge in**  
14 **division seventeen shall be elected in 2028 for a two-year term and thereafter in 2030 for**  
15 **a six-year term and every six years thereafter.**

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

22 4. Beginning on January 1, 2007, the treatment court commissioner position in the  
23 eleventh judicial circuit appointed under section 478.003 shall become an associate circuit  
24 judge position in all respects. Such associate circuit judge shall be elected in 2006 for a full  
25 four-year term. This associate circuit judgeship shall not be included in the statutory formula  
26 for authorizing additional associate circuit judgeships per 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  
31 2019, there shall be one additional associate circuit judge position in the eleventh judicial  
32 circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship  
33 shall not be included in the statutory formula for authorizing additional circuit judgeships per  
34 county under section 478.320. **Beginning fiscal year 2028, there shall be two additional**  
35 **associate circuit judge positions in the eleventh judicial circuit. The associate circuit**  
36 **judges shall be elected in 2028. These associate circuit judgeships shall not be included**  
37 **in the statutory formula for authorizing additional circuit judgeships per county under**  
38 **section 478.320.**

          478.630. 1. There shall be two circuit judges in the twentieth judicial circuit  
2 [~~consisting of the counties of Franklin, Gasconade and Osage~~]. These judges shall sit in  
3 divisions numbered one and two.

          2. The circuit judge in division two shall be elected in 1980. The circuit judge in  
5 division one shall be elected in 1982.

**3. Beginning fiscal year 2028, there shall be an additional associate circuit**  
7 **judgeship in Franklin County. This associate circuit judgeship shall not be included in**  
8 **the statutory formula for authorizing additional associate circuit judges per county as**  
9 **provided under section 478.320. The governor shall appoint such judge, and that judge**  
10 **shall serve until January 1, 2029. An associate circuit judge shall be elected in 2028 and**  
11 **every four 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. These judgeships shall include the**  
4 **circuit judgeship created in fiscal year 2026 pursuant to section 478.330.**

          2. The circuit judge in division two shall be elected in 1980. The circuit judge in  
6 division one shall be elected in 1982. **The circuit judge appointed by the governor in 2025**  
7 **for division three shall serve until January 1, 2029. A circuit judge for division three**  
8 **shall be elected in 2028 for a four-year term and in 2032 for a full six-year term and**  
9 **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, Laclede, Miller, Moniteau and Morgan~~]. These judges  
3 shall sit in divisions numbered one, two, and three.

          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.

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

478.715. 1. There shall be two circuit judges in the forty-second judicial circuit  
2 [~~consisting of the counties of Crawford, Dent, Iron, Reynolds and Wayne~~]. These judges  
3 shall sit in divisions numbered one and two.

4 2. The circuit judge in division one shall be elected in 1982. The circuit judge in  
5 division two shall be elected in 1984.

478.730. There shall be one circuit judge in the forty-fourth judicial circuit  
2 [~~consisting of the counties of Douglas, Ozark, and Wright~~]. The first judge to sit in this  
3 circuit shall be appointed by the governor on January 1, 1982, and shall serve until his  
4 successor is duly elected in 1982 and takes office on the first Monday in January of 1983.

478.750. 1. As of January 1, 1983, there shall be two circuit judges in the forty-third  
2 judicial circuit [~~consisting of the counties of Clinton, Caldwell, Daviess, Livingston, and~~  
3 ~~DeKalb~~]. These judges shall sit in divisions numbered one and two.

4 2. A circuit judge shall be elected for each division in 1982. Candidates for the office  
5 of circuit judge shall file by division.

487.020. 1. In each circuit or a county having a family court, a majority of the circuit  
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to  
3 appropriations, to hear family court cases and make findings as provided for in sections  
4 487.010 to 487.190. Any person serving as a commissioner of the juvenile division of the  
5 circuit court on August 28, 1993, shall become a commissioner of the family court. In each  
6 circuit or a county therein having a family court, a majority of the circuit and associate circuit  
7 judges en banc may appoint, in addition to those commissioners serving as commissioners of  
8 the juvenile division and becoming commissioners of the family court pursuant to the  
9 provisions of sections 487.020 to 487.040, no more than three additional commissioners to  
10 hear family court cases and make findings and recommendations as provided in sections  
11 487.010 to 487.190. The number of additional commissioners added as a result of the  
12 provisions of sections 487.010 to 487.190 may be appointed only to the extent that the state is  
13 reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190  
14 or by federal or county funds or by gifts or grants made for such purposes. A commissioner  
15 shall be appointed for a term of four years. Commissioners appointed pursuant to sections

16 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and  
17 commissioners authorized to hear actions classified under section 487.080.

18 2. The circuit courts in the **seventh judicial circuit, the** eleventh judicial circuit, the  
19 thirteenth judicial circuit, and the thirty-first judicial circuit may, in substitution of each  
20 family court commissioner currently appointed pursuant to this section whose salary is  
21 reimbursable, appoint a family court commissioner whose compensation shall be payable by  
22 the state without necessity of reimbursement. The provisions of this subsection shall not be  
23 construed to allow appointment of a family court commissioner in the eleventh judicial circuit  
24 in addition to the number of such family court commissioners holding office in the eleventh  
25 judicial circuit as of January 1, 1999. The provisions of this subsection shall not be construed  
26 to allow appointment of a family court commissioner in the thirteenth judicial circuit or the  
27 thirty-first judicial circuit in addition to the number of such family court commissioners  
28 holding office in such circuits as of January 1, 2013. **The provisions of this subsection shall**  
29 **not be construed to allow appointment of a family court commissioner in the seventh**  
30 **judicial circuit in addition to the number of such family court commissioners holding**  
31 **office in the seventh judicial circuit as of January 1, 2027.** The appointment of the state-  
32 paid commissioner shall be subject to appropriations for such purpose.

33 3. Each commissioner of the family court shall possess the same qualifications as a  
34 circuit judge. The compensation and retirement benefits of each commissioner shall be the  
35 same as that of an associate circuit judge, payable in the same manner and from the same  
36 source as that of an associate circuit judge.

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