

SECOND REGULAR SESSION

HOUSE BILL NO. 2360

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

5043H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 478.240, RSMo, and to enact in lieu thereof three new sections relating to moratoriums on eviction proceedings.

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

Section A. Section 478.240, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 67.137, 476.095, and 478.240, to read as follows:

67.137. No county, city, town, or village in this state shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by the laws of this state.

476.095. No court shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by the laws of this state.

478.240. 1. The presiding judge of each circuit which is provided by Subsection 3 of Section 15 of Article V of the Constitution shall be selected for a two-year term. The circuit and associate circuit judges in each circuit shall select by secret ballot a circuit judge from their number to serve as presiding judge. Selection and removal procedures, not inconsistent with the rules of the supreme court, may be provided by local court rule. If a presiding judge is disqualified from acting as a judicial officer pursuant to the Constitution, Article V, Section 24, the circuit judges and associate circuit judges of the circuit shall select a circuit judge as presiding judge. If the circuit does not have an eligible judge to be elected presiding judge, then the chief justice of the supreme court may designate an acting presiding judge until a successor is chosen or until the disability of the presiding judge terminates.

2. Subject to the authority of the supreme court and the chief justice under Article V of the Constitution, the presiding judge of the circuit shall have general administrative

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.

13 authority over all judicial personnel and court officials in the circuit, including the authority to
14 assign any judicial or court personnel anywhere in the circuit, and shall have the authority to
15 assign judges to hear such cases or classes of cases as the presiding judge may designate, and
16 to assign judges to divisions. Such assignment authority shall include the authority to
17 authorize particular associate circuit judges to hear and determine cases or classes of cases.
18 By this subsection the presiding judge shall not, however, be authorized to make the
19 following assignments:

20 (1) Assignment of a municipal judge to hear any case other than to initially hear a
21 municipal ordinance violation case of the municipality which makes provision for such
22 municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a
23 municipality within the circuit to hear and determine municipal ordinance violations in a
24 court of another municipality within the circuit if the municipality to which the judge is
25 especially assigned by the presiding judge has made provision for the compensation of such
26 judge;

27 (2) Assignment of a judge to hear the trial of a felony case when he or she has
28 previously conducted the preliminary hearing in that case, unless the defendant has signed a
29 written waiver permitting the same judge to hear both the preliminary hearing and the trial, or
30 unless the defendant has indicated on the record that the defendant is permitting the same
31 judge to hear both the preliminary hearing and the trial;

32 (3) Assignment of a case to a judge contrary to provisions of supreme court rules or
33 local circuit court rules; and

34 (4) Assignment of a case or class of cases not within the class of cases specified in
35 section 472.020 to a circuit judge who is also judge of the probate division and who was on
36 January 1, 1979, a probate judge shall only be with the consent of such judge of the probate
37 division.

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39 **The general administrative authority of the presiding judge of the circuit as provided in**
40 **this subsection shall not include authority to impose or enforce a moratorium on**
41 **eviction proceedings.**

42 3. If any circuit judge or associate circuit judge shall proceed to hear and determine
43 any case or class of cases which has not been assigned to him or her by the presiding judge
44 pursuant to subsection 1 or 2 of this section, or to which he or she had not been transferred by
45 the chief justice of the supreme court, or in the event the purported assignment to him or her
46 shall be determined to be defective or deficient in any manner, any order or judgment he or
47 she may have entered may be set aside, as otherwise provided by rule or by law, and the judge

48 may be subject to discipline under Article V, Section 24 of the Missouri Constitution, but he
49 or she shall not be deemed to have acted other than as a judicial officer because of any such
50 absence, defect or deficiency of assignment under this section, or transfer by the chief justice.

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