

SECOND REGULAR SESSION

# HOUSE BILL NO. 2882

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ANDERSON.

5842H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 476, RSMo, by adding thereto one new section relating to the timing of proceedings in courts, with penalty provisions.

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

Section A. Chapter 476, RSMo, is amended by adding thereto one new section, to be known as section 476.1010, to read as follows:

**476.1010. 1. Orders and judgments on motions, hearings, and trials for cases filed in circuit courts of this state shall be reduced to writing and entered by the court within thirty days after such matter is fully briefed in writing or if heard on oral argument, after conclusion of any hearing or trial, fully briefed, and submitted to the court or a commissioner of the court; provided, for good cause shown, the court or commissioner, by written order citing the cause for the extension on the record, may extend the time for entry of the written order or judgment for an additional thirty days, and for one additional thirty-day period, to a maximum of ninety days from the date the matter, motion, hearing, trial, verdict, or case was taken under submission.**

**2. Within ten days after the court receives a request from a party for a hearing date on a motion that shall be heard on the record or a request for a trial date, the court or commissioner shall set a fixed date and time for hearing such motion or trial on any cases pending before the court. No hearing or trial date shall be continued generally, but instead the court shall continue the hearing or the trial to a date certain, not greater than ninety days from the previous trial or hearing date; provided, however, the case shall be finally disposed pursuant to the time frames as provided in subsection 3 of 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.

18           **3. Within sixty days after process has been served upon at least one of the**  
 19 **defendants, the court, upon consultation with the parties over whom the court has**  
 20 **personal jurisdiction, shall establish a track for each case pending in the court. During**  
 21 **the proceedings, the court may, upon consultation with the parties, reassign a case to a**  
 22 **different track from the initial track to which it had been assigned. Except as otherwise**  
 23 **established by supreme court rule, the time for final disposition of cases by judgment on**  
 24 **the merits or by dismissal, after the date on which the first defendant or respondent has**  
 25 **been personally served process, shall be as follows:**

<b>Track</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Circuit Civil</b>	<b>12 months</b>	<b>24 months</b>	<b>30 months</b>	<b>36 months</b>
<b>Domestic Relations</b>	<b>4 months</b>	<b>10 months</b>	<b>14 months</b>	<b>18 months</b>
<b>Associate Civil</b>	<b>4 months</b>	<b>6 months</b>	<b>12 months</b>	<b>16 months</b>
<b>Circuit Felony</b>	<b>4 months</b>	<b>10 months</b>	<b>14 months</b>	<b>18 months</b>
<b>Associate Criminal</b>	<b>3 months</b>	<b>6 months</b>	<b>8 months</b>	<b>12 months</b>

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36           **4. The supreme court shall by rule establish case processing time standards to**  
 37 **ensure the prompt and fair disposition of cases filed in the circuit courts of this state.**  
 38 **Such rules shall fix the maximum amount of time by which a court or commissioner**  
 39 **shall enter written rulings, orders, and judgments of the court on motions, hearings, and**  
 40 **trials after being submitted to the court or commissioner and the maximum amount of**  
 41 **time that a case shall be disposed of after being filed and final judgment entered therein.**  
 42 **Such rules may extend or modify the time standards set forth in subsections 1 to 3 of this**  
 43 **section.**

44           **5. Upon failure, refusal, or neglect of a judge or commissioner to comply with the**  
 45 **time standards set forth in this section or as established by the supreme court, a party to**  
 46 **a proceeding pending in a circuit court may seek mandamus as provided by the supreme**  
 47 **court rules to compel issuance of orders and judgments and the setting of hearings and**  
 48 **trials in compliance with the time standards set forth in this section or as established by**  
 49 **the supreme court.**

50           **6. Except for exceptional circumstances shown, all judges and commissioners of**  
 51 **the circuit courts, who violate the provisions or requirements relative to the time within**  
 52 **which they shall render decisions or set hearings or trials as provided in this section,**  
 53 **shall be fined at the rate of one hundred dollars per day for each day in which they fail**

54 to issue or enter a written order or judgment or set hearings or trials in violation of the  
55 time standards set forth in this section or as established by the supreme court and shall,  
56 for multiple violations, be subject to removal, suspension, fine, or other forms of  
57 discipline for willful neglect of duty pursuant to Section 24 of Article V of the  
58 Constitution of Missouri.

59       7. Any interested party, official, or member of the public may notify the  
60 commission on retirement, removal, and discipline of any failure on the part of a judge  
61 or commissioner to enter a written order or judgment or set hearings or trials within the  
62 time frames prescribed in this section. Upon the court of appeals or the supreme court  
63 issuing a writ of mandamus mandating compliance with the time standards in this  
64 section, the clerk of such court shall notify the commission on retirement, removal, and  
65 discipline of the issuance of such mandate. Upon receipt of such notices, the commission  
66 shall issue an order for the judge or commissioner to show cause as to why the judge or  
67 commissioner shall not be penalized as set forth in subsection 6 of this section for willful  
68 neglect of duty. After such notice and hearing, if the commission finds against the judge  
69 or commissioner, the commission shall recommend that the supreme court order the  
70 payment by such judge or commissioner the sum of one hundred dollars per day for  
71 each day on which the judge or commissioner fails to issue or enter a written order or  
72 judgment or set a hearing or trial, in violation of the time standards set forth in this  
73 section or as established by the supreme court, which amounts shall be paid into the  
74 state school moneys fund and distributed in the manner provided in section 163.031.  
75 Upon a finding that a judge or commissioner has been guilty of multiple violations of  
76 time standards, the commission may recommend that such judge or commissioner be  
77 removed, suspended, fined, or disciplined for willful neglect of duty pursuant to Section  
78 24 of Article V of the Constitution of Missouri.

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