

# SENATE BILL NO. 1044

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

4712S.01H

ADRIANE D. CROUSE, Secretary

## 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Section A. Section 478.240, RSMo, is repealed and three  
2 new sections enacted in lieu thereof, to be known as sections  
3 67.137, 476.095, and 478.240, to read as follows:

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

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

478.240. 1. The presiding judge of each circuit which  
2 is provided by Subsection 3 of Section 15 of Article V of  
3 the Constitution shall be selected for a two-year term. The  
4 circuit and associate circuit judges in each circuit shall  
5 select by secret ballot a circuit judge from their number to  
6 serve as presiding judge. Selection and removal procedures,  
7 not inconsistent with the rules of the supreme court, may be  
8 provided by local court rule. If a presiding judge is  
9 disqualified from acting as a judicial officer pursuant to  
10 the Constitution, Article V, Section 24, the circuit judges  
11 and associate circuit judges of the circuit shall select a

12 circuit judge as presiding judge. If the circuit does not  
13 have an eligible judge to be elected presiding judge, then  
14 the chief justice of the supreme court may designate an  
15 acting presiding judge until a successor is chosen or until  
16 the disability of the presiding judge terminates.

17 2. Subject to the authority of the supreme court and  
18 the chief justice under Article V of the Constitution, the  
19 presiding judge of the circuit shall have general  
20 administrative authority over all judicial personnel and  
21 court officials in the circuit, including the authority to  
22 assign any judicial or court personnel anywhere in the  
23 circuit, and shall have the authority to assign judges to  
24 hear such cases or classes of cases as the presiding judge  
25 may designate, and to assign judges to divisions. Such  
26 assignment authority shall include the authority to  
27 authorize particular associate circuit judges to hear and  
28 determine cases or classes of cases. By this subsection the  
29 presiding judge shall not, however, be authorized to make  
30 the following assignments:

31 (1) Assignment of a municipal judge to hear any case  
32 other than to initially hear a municipal ordinance violation  
33 case of the municipality which makes provision for such  
34 municipal judge, except that the presiding judge of a  
35 circuit may assign a municipal judge of a municipality  
36 within the circuit to hear and determine municipal ordinance  
37 violations in a court of another municipality within the  
38 circuit if the municipality to which the judge is especially  
39 assigned by the presiding judge has made provision for the  
40 compensation of such judge;

41 (2) Assignment of a judge to hear the trial of a  
42 felony case when he or she has previously conducted the  
43 preliminary hearing in that case, unless the defendant has

44 signed a written waiver permitting the same judge to hear  
45 both the preliminary hearing and the trial, or unless the  
46 defendant has indicated on the record that the defendant is  
47 permitting the same judge to hear both the preliminary  
48 hearing and the trial;

49 (3) Assignment of a case to a judge contrary to  
50 provisions of supreme court rules or local circuit court  
51 rules; and

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

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

61 3. If any circuit judge or associate circuit judge  
62 shall proceed to hear and determine any case or class of  
63 cases which has not been assigned to him or her by the  
64 presiding judge pursuant to subsection 1 or 2 of this  
65 section, or to which he or she had not been transferred by  
66 the chief justice of the supreme court, or in the event the  
67 purported assignment to him or her shall be determined to be  
68 defective or deficient in any manner, any order or judgment  
69 he or she may have entered may be set aside, as otherwise  
70 provided by rule or by law, and the judge may be subject to  
71 discipline under Article V, Section 24 of the Missouri  
72 Constitution, but he or she shall not be deemed to have  
73 acted other than as a judicial officer because of any such

74 absence, defect or deficiency of assignment under this  
75 section, or transfer by the chief justice.

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