

FIRST REGULAR SESSION

SENATE BILL NO. 193

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 27, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0972S.011

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to county municipal courts.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new
2 section, to be known as section 67.2012, to read as follows:

**67.2012. 1. Any county of the first classification with more than
2 eighty-two thousand but less than eighty-two thousand one hundred
3 inhabitants may prosecute and punish violations of its county
4 ordinances pertaining to county building codes, on-site sewer
5 treatment, and zoning orders in the circuit court of the county in the
6 manner and to the extent herein provided or in a county municipal
7 court upon adoption, by the county commission, of an ordinance
8 creating a county municipal court. The county may enter into a
9 contract with any municipality within the county to prosecute and
10 punish municipal ordinance violations in the county municipal
11 court. Any county municipal court established under this section shall
12 have jurisdiction over violations of that county's ordinances and the
13 ordinances of municipalities with which the county has a contract to
14 prosecute and punish violations. Costs and procedures in any such
15 county municipal court shall be governed by the provisions of law
16 relating to municipal ordinance violations in municipal divisions of
17 circuit courts.**

18 **2. In any county which has elected to establish a county
19 municipal court under this section, the judges for such court shall be
20 appointed by the county commission in the same manner as other
21 appointed county officers.**

22 **3. Judges of the county municipal court shall be licensed to**
23 **practice law in this state and shall be residents of the**
24 **county. Municipal court judges shall not accept or handle cases in**
25 **their practice of law which are inconsistent with their duties as a**
26 **municipal court judge and shall not be a judge or prosecutor for any**
27 **other court.**

28 **4. The county shall establish by ordinance:**

29 **(1) The number of judges appointed and the qualifications for**
30 **their appointment;**

31 **(2) The number of divisions of the county municipal court and**
32 **the court's term;**

33 **(3) Regular sessions of court in the evening hours after 6:00 p.m.**
34 **and at locations outside the county seat;**

35 **(4) Provisions for appropriate circumstances whereby defendants**
36 **may enter not guilty pleas and obtain trial dates by telephone or**
37 **written communication without personal appearance, or plead guilty**
38 **and deliver by mail, electronic transfer, or other approved method the**
39 **specified amount of the fine and costs as otherwise provided by law,**
40 **within a specified period of time; and**

41 **(5) Provisions for the recording of all proceedings.**

42 **5. All final decisions of the county municipal court shall be**
43 **appealable on such record to the appellate court with appropriate**
44 **jurisdiction. In the event that the proceedings are not recorded, a**
45 **person aggrieved by a judgment of a municipal court judge shall have**
46 **the right of a trial de novo. The procedures for perfecting the right of**
47 **a trial de novo shall be the same as that provided in sections 512.180 to**
48 **512.320, except that subsection 2 of section 512.180 shall not apply to**
49 **such cases.**

50 **6. The county may, by ordinance, provide for court costs not to**
51 **exceed the sum which may be provided by municipalities for municipal**
52 **violations before municipal courts under section 488.012. The county**
53 **municipal judge may assess costs against a defendant who pleads guilty**
54 **or is found guilty except in those cases where the defendant is found**
55 **by the judge to be indigent and unable to pay the costs. The costs**
56 **authorized in this subsection are in addition to service costs, witness**
57 **fees, and jail costs that may otherwise be authorized to be assessed, but**
58 **shall be in lieu of other court, judge costs, or fees. Such costs shall be**

59 collected by the authorized clerk and deposited into the county
60 treasury.

61 7. Any person charged with the violation of a county ordinance
62 in a county which has established a county municipal court under this
63 section shall, upon request, be entitled to a trial by jury before a county
64 municipal court judge.

65 8. If a county elects to have the violations of its county
66 ordinances pertaining to county building codes, on-site sewer treatment
67 and zoning orders heard and determined by an associate circuit judge,
68 the associate circuit judge or judges shall commence hearing and
69 determining such violations no later than six months after the county
70 notifies the presiding judge of the circuit of its election. With the
71 consent of the presiding judge, the associate circuit judge or judges
72 may commence hearing and determining such violations at an earlier
73 date.

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Bill

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