

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 67
100TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 30, 2019, with recommendation that the Senate Committee Substitute do pass.

0219S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 479.020, 479.190, 479.353, and 488.012, RSMo, and to enact in lieu thereof seven new sections relating to court procedures.

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

Section A. Sections 479.020, 479.190, 479.353, and 488.012, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections
3 479.020, 479.157, 479.190, 479.275, 479.353, 479.354, and 488.012, to read as
4 follows:

479.020. 1. Any city, town or village, including those operating under a
2 constitutional or special charter, may, and cities with a population of four
3 hundred thousand or more shall, provide by ordinance or charter for the selection,
4 tenure and compensation of a municipal judge or judges consistent with the
5 provisions of this chapter who shall have original jurisdiction to hear and
6 determine all violations against the ordinances of the municipality. The method
7 of selection of municipal judges shall be provided by charter or ordinance. Each
8 municipal judge shall be selected for a term of not less than two years as provided
9 by charter or ordinance.

10 2. Except where prohibited by charter or ordinance, the municipal judge
11 may be a part-time judge and may serve as municipal judge in more than one
12 municipality.

13 3. No person shall serve as a municipal judge of any municipality with a
14 population of seven thousand five hundred or more or of any municipality in a
15 county of the first class with a charter form of government unless the person is

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 licensed to practice law in this state unless, prior to January 2, 1979, such person
17 has served as municipal judge of that same municipality for at least two years.

18 4. Notwithstanding any other statute, a municipal judge need not be a
19 resident of the municipality or of the circuit in which the municipal judge serves
20 except where ordinance or charter provides otherwise. Municipal judges shall be
21 residents of Missouri.

22 5. Judges selected under the provisions of this section shall be municipal
23 judges of the circuit court and shall be divisions of the circuit court of the circuit
24 in which the municipality, or major geographical portion thereof, is located. The
25 judges of these municipal divisions shall be subject to the rules of the circuit
26 court which are not inconsistent with the rules of the supreme court. The
27 presiding judge of the circuit shall have general administrative authority over the
28 judges and court personnel of the municipal divisions within the circuit.

29 6. No municipal judge shall hold any other office in the municipality
30 which the municipal judge serves as judge. The compensation of any municipal
31 judge and other court personnel shall not be dependent in any way upon the
32 number of cases tried, the number of guilty verdicts reached or the amount of
33 fines imposed or collected.

34 7. Municipal judges shall be at least twenty-one years of age. No person
35 shall serve as municipal judge after that person has reached that person's
36 seventy-fifth birthday.

37 8. Within six months after selection for the position, each municipal judge
38 who is not licensed to practice law in this state shall satisfactorily complete the
39 course of instruction for municipal judges prescribed by the supreme court. The
40 state courts administrator shall certify to the supreme court the names of those
41 judges who satisfactorily complete the prescribed course. If a municipal judge
42 fails to complete satisfactorily the prescribed course within six months after the
43 municipal judge's selection as municipal judge, the municipal judge's office shall
44 be deemed vacant and such person shall not thereafter be permitted to serve as
45 a municipal judge, nor shall any compensation thereafter be paid to such person
46 for serving as municipal judge.

47 9. No municipal judge shall serve as a municipal judge in more than five
48 municipalities at one time. **A court that serves more than one municipality**
49 **shall be treated as a single municipality for the purposes of this**
50 **subsection.**

479.157. 1. Municipal courts shall be allowed to select and

2 **operate a case management system. The supreme court shall allow a**
3 **two-way interface that supports integrated functions between the**
4 **municipal court case management system and the Missouri state courts**
5 **case management system.**

6 **2. The supreme court shall develop rules regarding the interface**
7 **between the municipal court case management system and the Missouri**
8 **state courts case management system.**

9 **3. The cost of any interface allowed pursuant to this section shall**
10 **be covered by a nonstate entity.**

479.190. 1. Any judge hearing violations of municipal ordinances may,
2 when in his judgment it may seem advisable, grant a parole or probation to any
3 person who shall plead guilty or who shall be convicted after a trial before such
4 judge. When a person is placed on probation he shall be given a certificate
5 explicitly stating the conditions on which he is being released.

6 2. In addition to such other authority as exists to order conditions of
7 probation, the court may order conditions which the court believes will serve to
8 compensate the victim of the crime, any dependent of the victim, or society in
9 general. Such conditions may include, but need not be limited to:

10 (1) Restitution to the victim or any dependent of the victim, in an amount
11 to be determined by the judge; and

12 (2) The performance of a designated amount of free work for a public or
13 charitable purpose, or purposes, as determined by the judge.

14 3. A person may refuse probation conditioned on the performance of free
15 work. If he does so, the court shall decide the extent or duration of sentence or
16 other disposition to be imposed and render judgment accordingly. Any county,
17 city, person, organization, or agency, or employee of a county, city, organization
18 or agency charged with the supervision of such free work or who benefits from its
19 performance shall be immune from any suit by the person placed on parole or
20 probation or any person deriving a cause of action from him if such cause of
21 action arises from such supervision of performance, except for intentional torts
22 or gross negligence. The services performed by the probationer or parolee shall
23 not be deemed employment within the meaning of the provisions of chapter 288.

24 4. The court may modify or enlarge the conditions of probation at any time
25 prior to the expiration or termination of the probation term.

26 **5. No municipal judge, municipal court personnel, or any**
27 **prosecutor designated by the municipality or personnel assigned**

28 **thereto shall supervise or have authority to hire, fire, or discipline any**
29 **probation officer or probation personnel assigned by the municipality**
30 **to perform the duties of probation or parole. This subsection shall not**
31 **apply to any home rule city with more than ninety thousand but fewer**
32 **than one hundred eight thousand inhabitants and partially located in**
33 **any county with a charter form of government and with more than six**
34 **hundred thousand but fewer than seven hundred thousand inhabitants,**
35 **or a home rule city with more than four hundred thousand inhabitants**
36 **and located in more than one county.**

479.275. In any county with a population greater than two
2 hundred fifty thousand inhabitants, no individual in a political
3 subdivision shall concurrently serve as prosecuting attorney and city
4 attorney. This provision does not apply to an individual who serves as
5 a county officer or employee of a county with a charter form of
6 government.

479.353. 1. Notwithstanding any provisions to the contrary, the following
2 conditions shall apply to minor traffic violations and municipal ordinance
3 violations:

4 (1) The court shall not assess a fine, if combined with the amount of court
5 costs, totaling in excess of:

6 (a) Two hundred twenty-five dollars for minor traffic violations; and

7 (b) For municipal ordinance violations committed within a twelve-month
8 period beginning with the first violation: two hundred dollars for the first
9 municipal ordinance violation, two hundred seventy-five dollars for the second
10 municipal ordinance violation, three hundred fifty dollars for the third municipal
11 ordinance violation, and four hundred fifty dollars for the fourth and any
12 subsequent municipal ordinance violations;

13 (2) The court shall not sentence a person to confinement, except the court
14 may sentence a person to confinement for any violation involving alcohol or
15 controlled substances, violations endangering the health or welfare of others, or
16 eluding or giving false information to a law enforcement officer;

17 (3) A person shall not be placed in confinement for failure to pay a fine
18 unless such nonpayment violates terms of probation or unless the due process
19 procedures mandated by Missouri supreme court rule 37.65 or its successor rule
20 are strictly followed by the court;

21 (4) Court costs that apply shall be assessed against the defendant unless

22 the court finds that the defendant is indigent based on standards set forth in
23 determining such by the presiding judge of the circuit. Such standards shall
24 reflect model rules and requirements to be developed by the supreme court; and

25 (5) No court costs shall be assessed if the defendant is found to be
26 indigent under subdivision (4) of this section or if the case is dismissed.

27 **2. If an individual has been held in custody on a notice to show**
28 **cause or an arrest warrant for an underlying minor traffic violation,**
29 **the court, on its own motion or on the motion of any interested party,**
30 **may review the original fine and sentence and waive or reduce such**
31 **fine or sentence if the court finds it reasonable given the circumstances**
32 **of the case.**

479.354. For any notice to appear, citation, or summons on a
2 **minor traffic violation, the date and time the defendant is to appear in**
3 **court shall be given when such notice to appear, citation, or summons**
4 **is first provided to the defendant. If said notice is not properly given,**
5 **the court shall reissue the notice, citation, or summons to the**
6 **defendant and shall specifically set forth the date and time for the**
7 **defendant to appear.**

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state
2 responsible for collecting court costs shall collect the court costs authorized by
3 statute, in such amounts as are authorized by supreme court rule adopted
4 pursuant to sections 488.010 to 488.020. Court costs due and payable prior to
5 July 1, 1997, shall not be affected by the adoption of this rule.

6 2. The supreme court shall set the amount of court costs authorized by
7 statute, at levels to produce revenue which shall not substantially exceed the
8 total of the proportion of the costs associated with administration of the judicial
9 system defrayed by fees, miscellaneous charges and surcharges.

10 3. Prior to adjustment by the supreme court, the following fees, costs and
11 charges shall be collected:

12 (1) Five dollars for the filing of a lien, pursuant to section 429.090;

13 (2) Ten dollars for maintaining child support enforcement records,
14 pursuant to section 452.345;

15 (3) Ten dollars for a notice to a judgment creditor of a distributee,
16 pursuant to section 473.618;

17 (4) Three dollars for receiving and keeping a will, pursuant to section
18 474.510;

19 (5) [Seven] **Twenty-three** dollars for the statewide court automation
20 fund, pursuant to section 488.027;

21 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal
22 ordinance violations filed before an associate circuit judge and thirty dollars for
23 applications for a trial de novo of a municipal ordinance violation, pursuant to
24 section 479.260;

25 (7) Five dollars for small claims court cases where less than one hundred
26 dollars is in dispute, and ten dollars in all other small claims court cases,
27 pursuant to section 482.345;

28 (8) Fifty dollars for appeals, pursuant to section 483.500;

29 (9) Fifteen dollars in misdemeanor cases where there is no application for
30 trial de novo, pursuant to section 483.530;

31 (10) Forty-five dollars for applications for a trial de novo for misdemeanor
32 cases, pursuant to section 483.530;

33 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant
34 to section 483.530;

35 (12) Thirty dollars for each information or indictment filed in felony cases,
36 pursuant to section 483.530;

37 (13) Fifteen dollars for each associate circuit court case filed, and one
38 dollar for each additional summons issued in such cases, pursuant to section
39 483.530;

40 (14) Forty-five dollars for applications for trial de novo from small claims
41 court and associate circuit court and forty-five dollars for filing of other cases,
42 pursuant to section 483.530;

43 (15) One dollar and fifty cents for a certificate of naturalization, pursuant
44 to section 483.535;

45 (16) When letters are applied for in probate proceedings, pursuant to
46 section 483.580, when the value of the estate is:

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|----|---------------------------------|----------|
| 47 | (a) Less than \$10,000 | \$ 75.00 |
| 48 | (b) From \$10,000 to \$25,000 | 115.00 |
| 49 | (c) From \$25,000 to \$50,000 | 155.00 |
| 50 | (d) From \$50,000 to \$100,000 | 245.00 |
| 51 | (e) From \$100,000 to \$500,000 | 305.00 |
| 52 | (f) More than \$500,000 | 365.00; |

53 (17) Thirty dollars for each additional twelve months a decedent's estate
54 remains open, pursuant to section 483.580;

55 (18) In proceedings regarding guardianships and conservatorships,
56 pursuant to section 483.580:

57 (a) Twenty-five dollars for each grant of letters for guardianship of a
58 minor;

59 (b) Fifty dollars for each grant of letters for guardianship of an
60 incapacitated person;

61 (c) Sixty dollars for each grant of letters for guardianship of the person
62 and conservatorship of the estate of a minor;

63 (d) Twenty-five dollars for each additional twelve months a
64 conservatorship of a minor's estate case remains open;

65 (e) Seventy-five dollars for each grant of letters in guardianship and
66 conservatorship of incapacitated persons and their estates;

67 (f) Thirty dollars for each additional twelve months an incapacitated
68 person's case remains open;

69 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse
70 or an unmarried minor child and thirty dollars for a certified copy of such orders,
71 pursuant to section 483.580;

72 (20) In probate proceedings, pursuant to section 483.580:

73 (a) Thirty-five dollars for the collection of small estates;

74 (b) Thirty-five dollars for involuntary hospitalization proceedings;

75 (c) Thirty dollars for proceedings to determine heirship;

76 (d) Fifteen dollars for assessment of estate taxes where no letters are
77 granted;

78 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident
79 conservator;

80 (f) Forty dollars for proceedings to dispense with administration;

81 (g) Twenty dollars for proceedings to dispense with conservatorship;

82 (h) Twenty-five dollars for admitting a will to probate;

83 (i) One dollar per copied page and one dollar and fifty cents per
84 certificate;

85 (21) One dollar and fifty cents per page for testimony transcription,
86 pursuant to section 488.2250;

87 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;

88 (23) Three dollars for witness fees per day, and four dollars when the
89 witness must travel to another county, pursuant to section 491.280.

90 **4. The fee authorized pursuant to subdivision (5) of subsection**

91 **3 of this section shall be effective August 28, 2019, and shall expire on**
92 **August 28, 2024, unless reauthorized by an act of the general assembly.**
93 **If no reauthorization by the general assembly occurs, then a fee of**
94 **eleven dollars shall be collected for the statewide court automation**
95 **fund, pursuant to section 488.027. The eleven dollar fee shall be**
96 **adjusted annually on January 1, 2025, and on January first of**
97 **successive years, by the same percentage as the increase in the general**
98 **price level as measured by the Consumer Price Index for All Urban**
99 **Consumers (CPI-U) or successor index as published by the U.S.**
100 **Department of Labor or its successor agency, with the amount of fee**
101 **increase rounded to the nearest five cents. Any change in the fee**
102 **amount made by the court pursuant to this subsection shall be**
103 **published as a supreme court rule or amendment to a supreme court**
104 **rule.**

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