

FIRST REGULAR SESSION

HOUSE BILL NO. 1268

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARDWICK.

0335H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 478.073, RSMo, and to enact in lieu thereof two new sections relating to judicial realignment.

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

Section A. Section 478.073, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 478.073 and 478.074, to read as follows:

478.073. 1. (1) As set forth in this section, the general assembly authorizes the judicial ~~[conference of the state of Missouri]~~ **realignment commission**, as established pursuant to section ~~[476.320]~~ **478.074**, to alter the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan as the administration of justice may require, subject to the requirements set forth in Article V of the Constitution of Missouri.

(2) Beginning in ~~[2020]~~ **2030**, and every twenty years thereafter, within the first ten calendar days of the regular legislative session, the judicial ~~[conference]~~ **realignment commission** shall submit to the secretary of the senate, the chief clerk of the house of representatives and the chairs of the house and senate judiciary committees, **or their successor committees**, a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the judicial circuits. Along with a statement of the numbers and boundaries of the proposed judicial circuits together with a map of the proposed judicial circuits, the circuit realignment plan shall include an analysis of the following supporting information:

- (a) A current judicial weighted workload model;
- (b) A current clerical weighted workload model;
- (c) Whether litigants in the current circuits have adequate access to the courts;

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.

17 (d) The populations of the current and proposed judicial circuits determined on the basis
18 of the most recent decennial census of the United States or annual population estimates prepared
19 by the United States Bureau of the Census;

20 (e) Judicial duties and travel time;

21 (f) Historical connections between counties in the judicial circuits; and

22 (g) Other information deemed relevant by the judicial ~~[conference]~~ **realignment**
23 **commission.**

24 (3) Once submitted to both chambers, a circuit realignment plan shall become effective
25 January first of the year following the session of the general assembly to which it is submitted,
26 unless a ~~[bill realigning the judicial circuits is presented to the governor and is duly enacted]~~
27 **concurrent resolution disapproving of such plan is passed by the general assembly and**
28 **approved by the governor.**

29 2. ~~[A circuit realignment plan shall not alter the total number of judicial circuits in~~
30 ~~existence on December 31, 2019, and any circuit realignment plan creating or reducing the~~
31 ~~number of judicial circuits shall be null and void.~~

32 ~~—————3.]~~ A circuit realignment plan not superceded in the manner set forth in this section shall
33 be considered for all purposes as the equivalent in force, effect, and intent of a public act of the
34 state upon its taking effect, and it shall be published by the revisor of statutes together with the
35 laws adopted by the general assembly during the session in which the plan is submitted.

478.074. 1. There is hereby established the "Judicial Realignment Commission",
2 **which shall consist of the following members, who shall be appointed with the goal of**
3 **providing diverse geographic representation:**

4 (1) **The chief justice of the Missouri supreme court or his or her designee;**

5 (2) **One judge from the court of appeals, to be appointed by the chief justice of the**
6 **Missouri supreme court;**

7 (3) **Two circuit court judges, to be appointed by the chief justice of the Missouri**
8 **supreme court;**

9 (4) **Two associate circuit court judges, to be appointed by the chief justice of the**
10 **Missouri supreme court;**

11 (5) **Three members of the house of representatives, to be appointed by the speaker**
12 **of the house of representatives, with no more than two members being from the same**
13 **political party;**

14 (6) **Three members of the senate, to be appointed by the president pro tempore of**
15 **the senate, with no more than two members being from the same political party;**

16 (7) **The executive director of the Missouri office of prosecution services;**

17 (8) **The director of the state public defender system;**

18 **(9) One sheriff from any county of the third classification, to be appointed by the**
19 **governor;**

20 **(10) One chief of police from any county with a charter form of government, to be**
21 **appointed by the governor; and**

22 **(11) Two actively practicing attorneys, to be appointed by the governor.**

23 **2. The judicial realignment commission shall study and develop a judicial circuit**
24 **realignment plan for the alteration of the geographical boundaries and territorial**
25 **jurisdiction of the judicial circuits, as provided under section 478.073. The commission**
26 **shall have the authority to hire consultants, employ such personnel as it deems necessary,**
27 **conduct studies, and expend resources out of the judicial realignment fund to implement**
28 **the provisions of this section and section 478.073 as it deems necessary. The members of**
29 **the commission shall be reimbursed from the judicial realignment fund established under**
30 **subsection 3 of this section for their actual and necessary expenses in performing their**
31 **official duties as members of the commission.**

32 **3. There is hereby established in the state treasury the "Judicial Realignment**
33 **Fund". Any appropriations designated for the purpose of judicial realignment, along with**
34 **any gifts, contributions, devises, bequests, and grants received relating to judicial**
35 **realignment shall be credited to the fund. The state treasurer shall be custodian of the**
36 **fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve**
37 **disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in**
38 **the fund shall be used solely for the purposes set forth under this section and section**
39 **478.073. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
40 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
41 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
42 **manner as other funds are invested. Any interest and moneys earned on such investments**
43 **shall be credited to the fund.**

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