

SECOND REGULAR SESSION

HOUSE BILL NO. 1796

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

4255H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.503, 66.010, 66.030, 67.136, 67.320, 67.399, 79.383, 81.280, 163.038, 211.031, 211.061, 300.580, 302.010, 302.225, 302.304, 302.345, 302.540, 302.574, 302.592, 313.500, 361.330, 428.105, 446.040, 447.010, 451.100, 476.010, 476.055, 476.056, 476.058, 476.083, 476.270, 476.290, 476.310, 476.451, 478.014, 478.017, 478.230, 478.240, 478.245, 478.720, 479.010, 479.011, 479.020, 479.030, 479.040, 479.050, 479.060, 479.070, 479.080, 479.090, 479.100, 479.120, 479.150, 479.155, 479.160, 479.162, 479.170, 479.172, 479.200, 479.210, 479.220, 479.230, 479.260, 479.356, 479.359, 479.360, 479.362, 479.500, 483.241, 483.550, 483.680, 488.012, 488.014, 488.607, 488.2210, 488.2215, 488.2220, 488.2235, 488.2245, 488.5336, 492.430, 506.010, 512.180, 532.020, 532.030, 543.270, 544.157, 544.455, 544.490, 548.011, 559.607, and 577.001, RSMo, and to enact in lieu thereof seventy-eight new sections relating to municipal courts.

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

Section A. Sections 43.503, 66.010, 66.030, 67.136, 67.320, 67.399, 79.383, 81.280,
2 163.038, 211.031, 211.061, 300.580, 302.010, 302.225, 302.304, 302.345, 302.540, 302.574,
3 302.592, 313.500, 361.330, 428.105, 446.040, 447.010, 451.100, 476.010, 476.055, 476.056,
4 476.058, 476.083, 476.270, 476.290, 476.310, 476.451, 478.014, 478.017, 478.230, 478.240,
5 478.245, 478.720, 479.010, 479.011, 479.020, 479.030, 479.040, 479.050, 479.060, 479.070,
6 479.080, 479.090, 479.100, 479.120, 479.150, 479.155, 479.160, 479.162, 479.170, 479.172,
7 479.200, 479.210, 479.220, 479.230, 479.260, 479.356, 479.359, 479.360, 479.362, 479.500,
8 483.241, 483.550, 483.680, 488.012, 488.014, 488.607, 488.2210, 488.2215, 488.2220,
9 488.2235, 488.2245, 488.5336, 492.430, 506.010, 512.180, 532.020, 532.030, 543.270,

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.

10 544.157, 544.455, 544.490, 548.011, 559.607, and 577.001, RSMo, are repealed and seventy-
11 eight new sections enacted in lieu thereof, to be known as sections 43.503, 66.010, 66.030,
12 67.320, 67.399, 79.383, 81.280, 163.038, 211.031, 211.061, 300.580, 302.010, 302.225,
13 302.304, 302.345, 302.540, 302.574, 302.592, 313.500, 361.330, 428.105, 446.040, 447.010,
14 451.100, 476.010, 476.055, 476.058, 476.083, 476.270, 476.290, 476.310, 476.451, 478.014,
15 478.017, 478.240, 478.245, 478.720, 479.010, 479.011, 479.040, 479.050, 479.060, 479.080,
16 479.090, 479.100, 479.120, 479.150, 479.160, 479.162, 479.200, 479.210, 479.260, 479.356,
17 479.359, 479.500, 483.241, 483.550, 488.012, 488.014, 488.607, 488.2210, 488.2215,
18 488.2220, 488.2235, 488.2245, 488.5336, 492.430, 506.010, 512.180, 532.020, 532.030,
19 543.270, 544.157, 544.455, 544.490, 548.011, 559.607, and 577.001, to read as follows:

43.503. 1. For the purpose of maintaining complete and accurate criminal history
2 record information, all police officers of this state, the clerk of each court, the department of
3 corrections, the sheriff of each county, the chief law enforcement official of a city not within a
4 county and the prosecuting attorney of each county or the circuit attorney of a city not within
5 a county shall submit certain criminal arrest, charge, and disposition information to the
6 central repository for filing without undue delay in the form and manner required by sections
7 43.500 to 43.651.

8 2. All law enforcement agencies making misdemeanor and felony arrests as
9 determined by section 43.506 shall furnish without undue delay, to the central repository,
10 fingerprints, photograph, and if available, any other unique biometric identification collected,
11 charges, appropriate charge codes, and descriptions of all persons who are arrested for such
12 offenses on standard fingerprint forms supplied or approved by the highway patrol or
13 electronically in a format and manner approved by the highway patrol and in compliance with
14 the standards set by the Federal Bureau of Investigation in its Automated Fingerprint
15 Identification System or its successor program. All such agencies shall also notify the central
16 repository of all decisions not to refer such arrests for prosecution. An agency making such
17 arrests may enter into arrangements with other law enforcement agencies for the purpose of
18 furnishing without undue delay such fingerprints, photograph, and if available, any other
19 unique biometric identification collected, charges, appropriate charge codes, and descriptions
20 to the central repository upon its behalf.

21 3. In instances where an individual less than seventeen years of age and not currently
22 certified as an adult is taken into custody for an offense which would be a felony if committed
23 by an adult, the arresting officer shall take fingerprints for the central repository. These
24 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
25 or transmitted electronically in a format and manner approved by the highway patrol and in
26 compliance with the standards set by the Federal Bureau of Investigation in its Automated
27 Fingerprint Identification System or its successor program. The fingerprint cards shall be so

28 constructed that the name of the juvenile should not be made available to the central
29 repository. The individual's name and the unique number associated with the fingerprints and
30 other pertinent information shall be provided to the court of jurisdiction by the agency taking
31 the juvenile into custody. The juvenile's fingerprints and other information shall be
32 forwarded to the central repository and the courts without undue delay. The fingerprint
33 information from the card shall be captured and stored in the automated fingerprint
34 identification system operated by the central repository. In the event the fingerprints are
35 found to match other tenprints or unsolved latent prints, the central repository shall notify the
36 submitting agency who shall notify the court of jurisdiction as per local agreement. Under
37 section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged
38 to have violated a state or municipal traffic ordinance or regulation, which does not constitute
39 a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be
40 fingerprinted unless certified as an adult.

41 4. Upon certification of the individual as an adult, the certifying court shall order a
42 law enforcement agency to immediately fingerprint and photograph the individual and
43 certification papers will be forwarded to the appropriate law enforcement agency with the
44 order for fingerprinting. The law enforcement agency shall submit such fingerprints,
45 photograph, and certification papers to the central repository within fifteen days and shall
46 furnish the offense cycle number associated with the fingerprints to the prosecuting attorney
47 or the circuit attorney of a city not within a county and to the clerk of the court ordering the
48 subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an
49 adult, the prosecuting attorney shall notify within fifteen days the central repository of the
50 change of status of the juvenile. Records of a child who has been fingerprinted and
51 photographed after being taken into custody shall be closed records as provided under section
52 610.100 if a petition has not been filed within thirty days of the date that the child was taken
53 into custody; and if a petition for the child has not been filed within one year of the date the
54 child was taken into custody, any records relating to the child concerning the alleged offense
55 may be expunged under the procedures in sections 610.122 to 610.126.

56 5. The prosecuting attorney of each county or the circuit attorney of a city not within
57 a county [~~or the municipal prosecuting attorney~~] shall notify the central repository on
58 standard forms supplied by the highway patrol or in a manner approved by the highway patrol
59 of his or her decision to not file a criminal charge on any charge referred to such prosecuting
60 attorney or circuit attorney for criminal charges. All records forwarded to the central
61 repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to
62 43.530 shall include the state offense cycle number of the offense, the charge code for the
63 offense, and the originating agency identifier number of the reporting prosecutor, using such
64 numbers as assigned by the highway patrol.

65 6. The clerk of the courts of each county or city not within a county [~~or municipal~~
66 ~~court clerk~~] shall furnish the central repository, on standard forms supplied by the highway
67 patrol or in a manner approved by the highway patrol, with a record of all charges filed,
68 including all those added subsequent to the filing of a criminal court case, amended charges,
69 and all final dispositions of cases for which the central repository has a record of an arrest or a
70 record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall
71 include, for each charge:

72 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
73 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or
74 probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in
75 the trial court;

76 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
77 or vacate or modify a sentence;

78 (3) Judgments terminating or revoking a sentence to probation, supervision or
79 conditional release and any resentencing after such revocation; and

80 (4) The offense cycle number of the offense, and the originating agency identifier
81 number of the sentencing court, using such numbers as assigned by the highway patrol.

82 7. The clerk of the courts of each county or city not within a county shall furnish, to
83 the department of corrections or department of mental health, court judgment and sentence
84 documents and the state offense cycle number and the charge code of the offense which
85 resulted in the commitment or assignment of an offender to the jurisdiction of the department
86 of corrections or the department of mental health if the person is committed pursuant to
87 chapter 552. This information shall be reported to the department of corrections or the
88 department of mental health at the time of commitment or assignment. If the offender was
89 already in the custody of the department of corrections or the department of mental health at
90 the time of such subsequent conviction, the clerk shall furnish notice of such subsequent
91 conviction to the appropriate department by certified mail, return receipt requested, or in a
92 manner and format mutually agreed to, within fifteen days of such disposition.

93 8. Information and fingerprints, photograph and if available, any other unique
94 biometric identification collected, forwarded to the central repository, normally obtained from
95 a person at the time of the arrest, may be obtained at any time the subject is in the criminal
96 justice system or committed to the department of mental health. A law enforcement agency
97 or the department of corrections may fingerprint, photograph, and capture any other unique
98 biometric identification of the person unless collecting other unique biometric identification
99 of the person is not financially feasible for the law enforcement agency, and obtain the
100 necessary information at any time the subject is in custody. If at the time of any court
101 appearance, the defendant has not been fingerprinted and photographed for an offense in

102 which a fingerprint and photograph is required by statute to be collected, maintained, or
103 disseminated by the central repository, the court shall order a law enforcement agency or
104 court marshal to fingerprint and photograph immediately the defendant. The order for
105 fingerprints shall contain the offense, charge code, date of offense, and any other information
106 necessary to complete the fingerprint card. The law enforcement agency or court marshal
107 shall submit such fingerprints, photograph, and if available, any other unique biometric
108 identification collected, to the central repository without undue delay and within thirty days
109 and shall furnish the offense cycle number associated with the fingerprints to the prosecuting
110 attorney or the circuit attorney of a city not within a county and to the court clerk of the court
111 ordering the subject fingerprinted.

112 9. The department of corrections and the department of mental health shall furnish the
113 central repository with all information concerning the receipt, escape, execution, death,
114 release, pardon, parole, commutation of sentence, granting of executive clemency, legal name
115 change, or discharge of an individual who has been sentenced to that department's custody for
116 any offenses which are mandated by law to be collected, maintained or disseminated by the
117 central repository. All records forwarded to the central repository by the department as
118 required by sections 43.500 to 43.651 shall include the offense cycle number of the offense,
119 and the originating agency identifier number of the department using such numbers as
120 assigned by the highway patrol.

66.010. 1. Any county framing and adopting a charter for its own government under
2 the provisions of Section 18, Article VI of the Constitution of this state, may prosecute and
3 punish violations of its county ordinances in the circuit court of such counties in the manner
4 and to the extent herein provided [~~or in a county municipal court~~]. [~~In addition, the county~~
5 ~~may prosecute and punish municipal ordinance violations in the county municipal court~~
6 ~~pursuant to a contract with any municipality within the county. Any county municipal court~~
7 ~~established pursuant to the provisions of this section shall have jurisdiction over violations of~~
8 ~~that county's ordinances and the ordinances of municipalities with which the county has a~~
9 ~~contract to prosecute and punish violations of municipal ordinances of the city. Costs and~~
10 ~~procedures in any such county municipal court shall be governed by the provisions of law~~
11 ~~relating to municipal ordinance violations in municipal divisions of circuit courts.]~~

12 2. [~~In any county which has elected to establish a county municipal court pursuant to~~
13 ~~this section, the judges for such court shall be appointed by the county executive of such~~
14 ~~county, subject to confirmation by the legislative body of such county in the same manner as~~
15 ~~confirmation for other county appointed officers. The number of judges appointed, and~~
16 ~~qualifications for their appointment, shall be established by ordinance of the county.~~

17 3. [~~The number of divisions of such county municipal court and its term shall be~~
18 ~~established by ordinance of the county.~~

19 ~~4. Except in any county with a charter form of government and with more than six~~
20 ~~hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the~~
21 ~~county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at~~
22 ~~locations outside the county seat. In any county with a charter form of government and with~~
23 ~~more than six hundred thousand but fewer than seven hundred thousand inhabitants, the~~
24 ~~ordinance of the county may provide for regular sessions of court in the evening hours after~~
25 ~~6:00 p.m. and at locations outside the county seat.~~

26 ~~5. Judges of the county municipal court shall be licensed to practice law in this state~~
27 ~~and shall be residents of the county in which they serve. Municipal court judges shall not~~
28 ~~accept or handle cases in their practice of law which are inconsistent with their duties as a~~
29 ~~municipal court judge and shall not be a judge or prosecutor for any other court.~~

30 ~~6. In establishing the county municipal court, provisions shall be made for~~
31 ~~appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial~~
32 ~~dates by telephone or written communication without personal appearance, or to plead guilty~~
33 ~~and deliver by mail or electronic transfer or other approved method the specified amount of~~
34 ~~the fine and costs as otherwise provided by law, within a specified period of time.~~

35 ~~7. In a county municipal court established pursuant to this section, the county may~~
36 ~~provide by ordinance for court costs not to exceed the sum which may be provided by~~
37 ~~municipalities for municipal violations before municipal courts. The county municipal judge~~
38 ~~may assess costs against a defendant who pleads guilty or is found guilty except in those~~
39 ~~cases where the defendant is found by the judge to be indigent and unable to pay the costs.~~
40 ~~The costs authorized in this subsection are in addition to service costs, witness fees and jail~~
41 ~~costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge~~
42 ~~costs or fees. Such costs shall be collected by the authorized clerk and deposited into the~~
43 ~~county treasury.~~

44 ~~8.] Provisions shall be made for recording of proceedings, except that if such~~
45 ~~proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic~~
46 ~~judge or commissioner shall have the right of a trial de novo. The procedures for perfecting~~
47 ~~the right of a trial de novo shall be the same as that provided under sections 512.180 to~~
48 ~~512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such~~
49 ~~cases. [In the event that such proceedings are recorded, all final decisions of the county~~
50 ~~municipal court shall be appealable on such record to the appellate court with appropriate~~
51 ~~jurisdiction.~~

52 ~~9. Any person charged with the violation of a county ordinance in a county which has~~
53 ~~established a county municipal court under the provisions of this section shall, upon request,~~
54 ~~be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be~~
55 ~~heard with a record being made.~~

56 ~~10. In the event that a court is established pursuant to this section, the circuit judges~~
57 ~~of the judicial circuit with jurisdiction within that county may authorize the judges of the~~
58 ~~county municipal court to act as commissioners to hear in the first instance nonfelony~~
59 ~~violations of state law involving motor vehicles as provided by local rule.]~~

66.030. All informations involving violation of county ordinances shall be made by
2 the ~~[county counselor]~~ **prosecuting attorney**, or his **or her** assistants, on their oath of office
3 and shall be filed with the court as soon as practicable, and before the party accused shall be
4 put upon his **or her** trial or required to answer the charge for which he **or she** may be held in
5 custody; provided, that complaints subscribed and sworn to by any other person competent to
6 testify against the accused shall be filed and proceeded upon in the same manner as
7 complaints alleging the commission of a misdemeanor.

67.320. 1. Any county with a charter form of government and with more than two
2 hundred thousand but fewer than three hundred fifty thousand inhabitants or any county of the
3 first classification with more than one hundred one thousand but fewer than one hundred
4 fifteen thousand inhabitants may prosecute and punish violations of its county orders in the
5 circuit court of such counties in the manner and to the extent herein provided ~~[or in a county~~
6 ~~municipal court if creation of a county municipal court is approved by order of the county~~
7 ~~commission].~~ The county may adopt orders with penal provisions consistent with state law,
8 but only in the areas of traffic violations, solid waste management, county building codes, on-
9 site sewer treatment, zoning orders, and animal control. ~~[Any county municipal court~~
10 ~~established pursuant to the provisions of this section shall have jurisdiction over violations of~~
11 ~~that county's orders and the ordinances of municipalities with which the county has a contract~~
12 ~~to prosecute and punish violations of municipal ordinances of the municipality.]~~

13 2. ~~[Except as provided in subsection 5 of this section in any county which has elected~~
14 ~~to establish a county municipal court pursuant to this section, the judges for such court shall~~
15 ~~be appointed by the county commission of such county, subject to confirmation by the~~
16 ~~legislative body of such county in the same manner as confirmation for other county~~
17 ~~appointed officers. The number of judges appointed, and qualifications for their appointment,~~
18 ~~shall be established by order of the commission.~~

19 ~~3.]~~ The practice and procedure of each prosecution shall be conducted in compliance
20 with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in
21 this section.

22 ~~[4.]~~ 3. Any use of the term ordinance in sections 66.010 to 66.140 shall be
23 synonymous with the term order for purposes of this section.

24 ~~[5.]~~ 4. In any county of the first classification with more than one hundred one
25 thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be
26 appointed by the county commission for a term of four years, and thereafter the judges shall

27 be elected for a term of four years. The number of judges appointed, and qualifications for
28 their appointment, shall be established by order of the commission.

67.399. 1. The governing body of any municipality or county with a charter form of
2 government and with more than one million inhabitants may, by ordinance, establish a
3 semiannual registration fee not to exceed two hundred dollars which shall be charged to the
4 owner of any parcel of residential property improved by a residential structure, or commercial
5 property improved by a structure containing multiple dwelling units, that is vacant, has been
6 vacant for at least six months, and is characterized by violations of applicable housing codes
7 established by such municipality.

8 2. The municipality shall designate a municipal officer to investigate any property
9 that may be subject to the registration fee. The officer shall report his findings and
10 recommendations, and shall determine whether any such property shall be subject to the
11 registration fee. Within five business days, the clerk of the municipality or county with a
12 charter form of government and with more than one million inhabitants shall notify by mail
13 the owners of property on which the registration fee has been levied at their last known
14 address according to the records of the city and the county. The property owner shall have the
15 right to appeal the decision of the office to the ~~[municipal]~~ court within thirty days of such
16 notification. Absent the existence of any valid appeal or request for reconsideration pursuant
17 to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of
18 the second calendar quarter after the decision of the municipal officer.

19 3. Within thirty days of the municipality or county with a charter form of government
20 and with more than one million inhabitants making such notification, the property owner may
21 complete any improvements to the property that may be necessary to revoke the levy of the
22 registration fee, and then may request a reinspection of the property and a reconsideration of
23 the levy of the registration fee by the municipality or county with a charter form of
24 government and with more than one million inhabitants. If the municipal or county officer
25 revokes the registration fee, no such assessment shall be made and the matter shall be
26 considered closed. If the officer affirms the assessment of the registration fee, the property
27 owner shall have the right to appeal the reconsideration decision of the officer to the
28 ~~[municipal]~~ court within thirty days of such decision. Absent the existence of any valid
29 appeal to the ~~[municipal]~~ court ~~[or other court]~~ of competent jurisdiction, the registration fee
30 shall begin to accrue on the beginning of the second calendar quarter after the reconsideration
31 decision of the municipal governing body.

32 4. The municipal governing body shall establish by ordinance procedures for payment
33 of the registration fee and penalties for delinquent payments of such fees. Any registration
34 fees which are delinquent for a period of one year shall become a lien on the property and
35 shall be subject to foreclosure proceedings in the same manner as delinquent real property

36 taxes. The owner of the property against which the assessment was originally made shall be
37 able to redeem the property only by presenting evidence that the violations of the applicable
38 housing code cited by the municipal officers have been cured and presenting payment of all
39 registration fees and penalties. Upon bona fide sale of the property to an unrelated party said
40 lien shall be considered released and the delinquent registration fee forgiven.

79.383. 1. If any fourth class city shall enact an ordinance allowing for a civil cause
2 of action for abatement of nuisances created by the accumulation of unsightly, dangerous, or
3 noxious personal property within the borders of such city, the city may, upon successful
4 prosecution of such cause of action, be awarded by the court reasonable attorney's fees
5 incurred in such action.

6 2. This section shall not be construed to allow any award of attorney's fees in any
7 ~~[municipal]~~ court hearing on criminal charges or traffic violations.

81.280. 1. At municipal elections in all cities and towns under special legislative
2 charters, located in a county containing a city, or a part of a city, of over four hundred
3 thousand population, which have attained a population of seven thousand five hundred
4 inhabitants, and not more than one hundred thousand there shall be elected one alderman
5 from each ward for a four-year term; at municipal elections there shall be elected a mayor for
6 a four-year term; and there shall be elected an attorney, a treasurer, who shall be, by virtue of
7 his office, collector of revenue of the city, an auditor, ~~[a municipal judge,]~~ and a clerk, each of
8 whom shall hold his respective office for a term of two years, and their successors shall be
9 elected accordingly, except that any such city may provide by ordinance that the attorney,
10 treasurer, ~~[municipal judge,]~~ and clerk be appointed by the mayor, subject to the approval of
11 the city council, and the ordinance may further provide that all or any of such officers when
12 so appointed and any of the appointive officers of any such city, except the members of any
13 board created by statute, shall hold office for an indefinite term and at the pleasure of the
14 mayor and city council. In addition to the above officers the city council shall provide by
15 ordinance for the appointment of an assessor and a chief of police, whose duties shall be
16 prescribed by ordinance.

17 2. The city council may by ordinance combine the offices of clerk and treasurer.
18 When so combined, this office may be filled by election at municipal elections or may be
19 made appointive by ordinance under the same provisions applying to the offices separately.

20 3. The provisions of this section shall apply only after a majority of the voters voting
21 thereon at a municipal election approve the effectiveness of this section for such city or town.
22 The question shall be placed upon the ballot by a petition signed by a number of voters of the
23 city or town equal to five percent of the total number of votes cast for mayor at the last
24 election, or by a resolution of the board of aldermen of the city or town.

163.038. Notwithstanding any provision of law to the contrary, any school district
2 that is ~~[located at least partially in any county that creates a county municipal court or is~~
3 ~~otherwise]~~ eligible to prosecute county ordinance violations under section 66.010, et seq.,
4 after January 1, 2006, shall be entitled to a payment amount from the department of
5 elementary and secondary education in addition to all other payments required under this
6 chapter equal to the decrease, if any, in the amount of revenue a district receives from fines in
7 the current year from the revenue the district received from fines in fiscal year 2005.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the
2 family court in circuits that have a family court as provided in chapter 487 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child who may be a resident of or found within the county and who
5 is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the
7 child, neglect or refuse to provide proper support, education which is required by law,
8 medical, surgical or other care necessary for his or her well-being; except that reliance by a
9 parent, guardian or custodian upon remedial treatment other than medical or surgical
10 treatment for a child shall not be construed as neglect when the treatment is recognized or
11 permitted pursuant to the laws of this state;

12 (b) The child is otherwise without proper care, custody or support;

13 (c) The child was living in a room, building or other structure at the time such
14 dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to
15 section 195.130; or

16 (d) The child is in need of mental health services and the parent, guardian or
17 custodian is unable to afford or access appropriate mental health treatment or care for the
18 child;

19 (2) Involving any child who may be a resident of or found within the county and who
20 is alleged to be in need of care and treatment because:

21 (a) The child while subject to compulsory school attendance is repeatedly and without
22 justification absent from school;

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or
24 other custodian and is beyond their control;

25 (c) The child is habitually absent from his or her home without sufficient cause,
26 permission, or justification;

27 (d) The behavior or associations of the child are otherwise injurious to his or her
28 welfare or to the welfare of others; or

29 (e) The child is charged with an offense not classified as criminal, or with an offense
30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any

31 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance
32 or regulation, the violation of which does not constitute a felony, or any child who is alleged
33 to have violated a state or municipal ordinance or regulation prohibiting possession or use of
34 any tobacco product;

35 (3) Involving any child who is alleged to have violated a state law or municipal
36 ordinance, or any person who is alleged to have violated a state law or municipal ordinance
37 prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the
38 court of the circuit in which the child or person resides or may be found or in which the
39 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction
40 over any child fifteen years of age who is alleged to have violated a state or municipal traffic
41 ordinance or regulation, the violation of which does not constitute a felony, ~~and except that~~
42 ~~the juvenile court shall have concurrent jurisdiction with the municipal court over any child~~
43 ~~who is alleged to have violated a municipal curfew ordinance;~~ and except that the juvenile
44 court shall have concurrent jurisdiction with the circuit court on any child who is alleged to
45 have violated a state or municipal ordinance or regulation prohibiting possession or use of any
46 tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child to the guardianship of the department of social
49 services as provided by law;

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is
51 less than eighteen years of age; and

52 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

53 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides
54 in a county of this state shall be made as follows:

55 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
56 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile
57 officer, with the prior consent of the juvenile officer of the receiving court, to the county of
58 the child's residence or the residence of the person eighteen years of age for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child to the court located in the county of the child's residence, or the county in which the
62 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred
63 for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer
66 jurisdiction of a child to the court located in the county of the child's residence for further
67 action with the prior consent of the receiving court;

68 (4) Upon motion of any party or upon its own motion at any time following a
69 judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction
70 of the cause may place the child under the supervision of another juvenile court within or
71 without the state pursuant to section 210.570 with the consent of the receiving court;

72 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall
73 grant one change of judge pursuant to Missouri supreme court rules;

74 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,
75 certified copies of all legal and social documents and records pertaining to the case on file
76 with the clerk of the transferring juvenile court shall accompany the transfer.

77 3. In any proceeding involving any child taken into custody in a county other than the
78 county of the child's residence, the juvenile court of the county of the child's residence shall
79 be notified of such taking into custody within seventy-two hours.

80 4. When an investigation by a juvenile officer pursuant to this section reveals that the
81 only basis for action involves an alleged violation of section 167.031 involving a child who
82 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
83 to verify that the child is being home schooled and not in violation of section 167.031 before
84 making a report of such a violation. Any report of a violation of section 167.031 made by a
85 juvenile officer regarding a child who is being home schooled shall be made to the
86 prosecuting attorney of the county where the child legally resides.

87 5. The disability or disease of a parent shall not constitute a basis for a determination
88 that a child is a child in need of care or for the removal of custody of a child from the parent
89 without a specific showing that there is a causal relation between the disability or disease and
90 harm to the child.

211.061. 1. When a child is taken into custody with or without warrant for an
2 offense, the child, together with any information concerning the child and the personal
3 property found in the child's possession, shall be taken immediately and directly before the
4 juvenile court or delivered to the juvenile officer or person acting for the child.

5 2. If any person is taken before a circuit or associate circuit judge not assigned to
6 juvenile court ~~[or a municipal judge]~~, and it is then, or at any time thereafter, ascertained that
7 he or she was under the age of eighteen years at the time he or she is alleged to have
8 committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as
9 provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the
10 matter to the juvenile court, and direct the delivery of such person, together with information
11 concerning him or her and the personal property found in his or her possession, to the juvenile
12 officer or person acting as such.

13 3. When the juvenile court is informed that a child is in detention it shall examine the
14 reasons therefor and shall immediately:

15 (1) Order the child released; or

16 (2) Order the child continued in detention until a detention hearing is held. An order
17 to continue the child in detention shall only be entered upon the filing of a petition or motion
18 to modify and a determination by the court that probable cause exists to believe that the child
19 has committed acts specified in the petition or motion that bring the child within the
20 jurisdiction of the court under subdivision (2) or (3) of subsection 1 of section 211.031.

21 4. A juvenile shall not remain in detention for a period greater than twenty-four hours
22 unless the court orders a detention hearing. If such hearing is not held within three days,
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from
24 detention unless the court for good cause orders the hearing continued. The detention hearing
25 shall be held within the judicial circuit at a date, time and place convenient to the court.
26 Notice of the date, time and place of a detention hearing, and of the right to counsel, shall be
27 given to the juvenile and his or her custodian in person, by telephone, or by such other
28 expeditious method as is available.

300.580. ~~[Except when authorized or directed under state law to immediately take a~~
2 ~~person before the municipal judge for the violation of any traffic laws,] A police officer who~~
3 halts a person for such violation other than for the purpose of giving him a warning or
4 warning notice and does not take such person into custody under arrest, shall issue to him a
5 uniform traffic ticket which shall be proceeded upon in accordance with supreme court rule
6 no. 37.

302.010. Except where otherwise provided, when used in this chapter, the following
2 words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for
5 carrying freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited
7 to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be
8 equivalent to a conviction, except that when any conviction as a result of which points are
9 assessed pursuant to section 302.302 is appealed, the term conviction means the original
10 judgment of conviction for the purpose of determining the assessment of points, and the date
11 of final judgment affirming the conviction shall be the date determining the beginning of any
12 license suspension or revocation pursuant to section 302.304;

13 (4) "Criminal history check", a search of criminal records, including criminal history
14 record information as defined in section 43.500, maintained by the Missouri state highway
15 patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as
16 part of its criminal history records, including, but not limited to, any record of conviction,

17 plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to
18 alcohol, controlled substances, or drugs;

19 (5) "Director", the director of revenue acting directly or through the director's
20 authorized officers and agents;

21 (6) "Farm tractor", every motor vehicle designed and used primarily as a farm
22 implement for drawing plows, mowing machines and other implements of husbandry;

23 (7) "Highway", any public thoroughfare for vehicles, including state roads, county
24 roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

25 (8) "Incompetent to drive a motor vehicle", a person who has become physically
26 incapable of meeting the prescribed requirements of an examination for an operator's license,
27 or who has been adjudged by a probate division of the circuit court in a capacity hearing of
28 being incapacitated;

29 (9) "License", a license issued by a state to a person which authorizes a person to
30 operate a motor vehicle;

31 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks
32 except motorized bicycles, as defined in section 307.180 and electric bicycles, as defined in
33 section 301.010;

34 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition
35 shall not include motorized bicycles or electric bicycles as such terms are defined in section
36 301.010;

37 (12) "Motortricycle", a motor vehicle operated on three wheels, including a
38 motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a
39 third wheel, but excluding an electric bicycle as defined in section 301.010;

40 (13) "Moving violation", that character of traffic violation where at the time of
41 violation the motor vehicle involved is in motion, except that the term does not include the
42 driving of a motor vehicle without a valid motor vehicle registration license, or violations of
43 sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

44 ~~(14) ["Municipal court", every division of the circuit court having original
45 jurisdiction to try persons for violations of city ordinances];~~

46 ~~(15)~~ "Nonresident", every person who is not a resident of this state;

47 ~~(16)~~ (15) "Operator", every person who is in actual physical control of a motor
48 vehicle upon a highway;

49 ~~(17)~~ (16) "Owner", a person who holds the legal title of a vehicle or in the event a
50 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of
51 purchase upon performance of the conditions stated in the agreement and with an immediate
52 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a

53 vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be
54 deemed the owner for the purpose of sections 302.010 to 302.540;

55 ~~[(18)]~~ (17) "Record" includes, but is not limited to, papers, documents, facsimile
56 information, microphotographic process, electronically generated or electronically recorded
57 information, digitized images, deposited or filed with the department of revenue;

58 ~~[(19)]~~ (18) "Residence address", "residence", or "resident address" shall be the
59 location at which a person has been physically present, and that the person regards as home.
60 A residence address is a person's true, fixed, principal, and permanent home, to which a
61 person intends to return and remain, even though currently residing elsewhere;

62 ~~[(20)]~~ (19) "Restricted driving privilege", a sixty-day driving privilege issued by the
63 director of revenue following a suspension of driving privileges for the limited purpose of
64 driving in connection with the driver's business, occupation, employment, formal program of
65 secondary, postsecondary or higher education, or for an alcohol education or treatment
66 program or certified ignition interlock provider, or a ninety-day interlock restricted privilege
67 issued by the director of revenue for the limited purpose of driving in connection with the
68 driver's business, occupation, employment, seeking medical treatment for such driver or a
69 dependent family member, attending school or other institution of higher education, attending
70 alcohol- or drug-treatment programs, seeking the required services of a certified ignition
71 interlock provider, fulfilling court obligations, including required appearances and probation
72 and parole obligations, religious services, the care of a child or children, including scheduled
73 visitation or custodial obligations pursuant to a court order, fueling requirements for any
74 vehicle utilized, and seeking basic nutritional requirements;

75 ~~[(21)]~~ (20) "School bus", when used in sections 302.010 to 302.540, means any motor
76 vehicle, either publicly or privately owned, that is designed for carrying more than ten
77 passengers and that is used to transport students to and from school, or to transport pupils
78 properly chaperoned to and from any place within the state for educational purposes. The
79 term school bus shall not include a bus operated by a public utility, municipal corporation or
80 common carrier authorized to conduct local or interstate transportation of passengers when
81 such bus is not traveling a specific school bus route but is:

82 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

83 (b) Furnishing charter service for the transportation of persons enrolled as students on
84 field trips or other special trips or in connection with other special events;

85 ~~[(22)]~~ (21) "School bus operator", an operator who operates a school bus as defined in
86 subdivision ~~[(21)]~~ (20) of this section in the transportation of any schoolchildren and who
87 receives compensation for such service. The term school bus operator shall not include any
88 person who transports schoolchildren as an incident to employment with a school or school
89 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such

90 person is under contract with or employed by a school or school district as a school bus
91 operator;

92 ~~[(23)]~~ **(22)** "Signature", any method determined by the director of revenue for the
93 signing, subscribing or verifying of a record, report, application, driver's license, or other
94 related document that shall have the same validity and consequences as the actual signing by
95 the person providing the record, report, application, driver's license or related document;

96 ~~[(24)]~~ **(23)** "Substance abuse traffic offender program", a program certified by the
97 division of alcohol and drug abuse of the department of mental health to provide education or
98 rehabilitation services pursuant to a professional assessment screening to identify the
99 individual needs of the person who has been referred to the program as the result of an
100 alcohol- or drug-related traffic offense. Successful completion of such a program includes
101 participation in any education or rehabilitation program required to meet the needs identified
102 in the assessment screening. The assignment recommendations based upon such assessment
103 shall be subject to judicial review as provided in subsection 14 of section 302.304 and
104 subsections 1 and 5 of section 302.540;

105 ~~[(25)]~~ **(24)** "Vehicle", any mechanical device on wheels, designed primarily for use,
106 or used on highways, except motorized bicycles, electric bicycles, vehicles propelled or
107 drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or
108 cotton trailers or motorized wheelchairs operated by handicapped persons.

302.225. 1. Every court having jurisdiction over offenses committed under sections
2 302.010 to 302.780, or any other law of this state, or county or municipal ordinance,
3 regulating the operation of vehicles on highways or any other offense in which the
4 commission of such offense involves the use of a motor vehicle, including felony convictions,
5 shall, within seven days thereafter, forward to the department of revenue, in a manner
6 approved by the director of the department of public safety a record of any plea or finding of
7 guilty of any person in the court for a violation of sections 302.010 to 302.780 or for any
8 moving traffic violation under the laws of this state or county or municipal ordinances. The
9 record related to offenses involving alcohol, controlled substances, or drugs shall be entered
10 in the Missouri uniform law enforcement system records. The director of revenue shall enter
11 the conviction information into the appropriate computer systems and transmit the conviction
12 information as required in 49 CFR Part 384, or as amended by the Secretary of the United
13 States Department of Transportation. The record of all convictions involving the assessment
14 of points as provided in section 302.302 and convictions involving a commercial motor
15 vehicle as defined in section 302.700 furnished by a court to the department of revenue shall
16 be forwarded by the department of revenue within fifteen days of receipt to the Missouri state
17 highway patrol. The record related to offenses involving alcohol, controlled substances, or

18 drugs, or in which the Missouri state highway patrol was the arresting agency shall be entered
19 into the Missouri uniform law enforcement system records.

20 2. Whenever any person is convicted of any offense or series of offenses for which
21 sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of
22 such person by the director of revenue, the circuit court in which such conviction is had shall
23 require the surrender to it of all licenses, then held by the person so convicted, and the court
24 shall within seven days thereafter forward the same, together with a record of the conviction,
25 to the director of revenue.

26 3. No ~~[municipal judge or]~~ municipal official shall have power to revoke any license.

 302.304. 1. The director shall notify by ordinary mail any operator of the point value
2 charged against the operator's record when the record shows four or more points have been
3 accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under this section
5 points shall be accumulated on the date of conviction. No case file of any conviction for a
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed
7 until such time as a copy of the record of such conviction is forwarded to the department of
8 revenue.

9 3. The director shall suspend the license and driving privileges of any person whose
10 driving record shows the driver has accumulated eight points in eighteen months.

11 4. The license and driving privilege of any person whose license and driving privilege
12 have been suspended under the provisions of sections 302.010 to 302.540 except those
13 persons whose license and driving privilege have been suspended under the provisions of
14 subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points
15 together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who
16 has filed proof of financial responsibility with the department of revenue, in accordance with
17 chapter 303, and is otherwise eligible, shall be reinstated as follows:

18 (1) In the case of an initial suspension, thirty days after the effective date of the
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective
23 date of the suspension.

24

25 Unless proof of financial responsibility is filed with the department of revenue, a suspension
26 shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has

29 accumulated sufficient points together with a conviction under subdivision (10) of subsection
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving
32 privilege, upon compliance with other requirements of law and upon filing of proof of
33 financial responsibility with the department of revenue, in accordance with chapter 303, the
34 license and driving privilege shall be reinstated. If a person, otherwise subject to the
35 provisions of this subsection, files proof of installation with the department of revenue that
36 any vehicle operated by such person is equipped with a functioning, certified ignition
37 interlock device, there shall be no period of suspension. However, in lieu of a suspension the
38 person shall instead complete a ninety-day period of restricted driving privilege. If the person
39 fails to maintain such proof of the device with the director of revenue as required, the
40 restricted driving privilege shall be terminated. Upon completion of such ninety-day period
41 of restricted driving privilege, upon compliance with other requirements of law, and upon
42 filing of proof of financial responsibility with the department of revenue, in accordance with
43 chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
44 monitoring reports during such ninety-day period indicate that the ignition interlock device
45 has registered a confirmed blood alcohol concentration level above the alcohol setpoint
46 established by the department of transportation or such reports indicate that the ignition
47 interlock device has been tampered with or circumvented, then the license and driving
48 privilege of such person shall not be reinstated until the person completes an additional thirty-
49 day period of restricted driving privilege.

50 6. If the person fails to maintain proof of financial responsibility in accordance with
51 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
52 equipped with a functioning, certified ignition interlock device installed pursuant to
53 subsection 5 of this section, the person's driving privilege and license shall be resuspended.

54 7. The director shall revoke the license and driving privilege of any person when the
55 person's driving record shows such person has accumulated twelve points in twelve months or
56 eighteen points in twenty-four months or twenty-four points in thirty-six months. The
57 revocation period of any person whose license and driving privilege have been revoked under
58 the provisions of sections 302.010 to 302.540 and who has filed proof of financial
59 responsibility with the department of revenue in accordance with chapter 303 and is otherwise
60 eligible, shall be terminated by a notice from the director of revenue after one year from the
61 effective date of the revocation. Unless proof of financial responsibility is filed with the
62 department of revenue, except as provided in subsection 2 of section 302.541, the revocation
63 shall remain in effect for a period of two years from its effective date. If the person fails to
64 maintain proof of financial responsibility in accordance with chapter 303, the person's license
65 and driving privilege shall be rerevoked. Any person whose license and driving privilege

66 have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of
67 the notice of termination of the revocation from the director, pass the complete driver
68 examination and apply for a new license before again operating a motor vehicle upon the
69 highways of this state.

70 8. If, prior to conviction for an offense that would require suspension or revocation of
71 a person's license under the provisions of this section, the person's total points accumulated
72 are reduced, pursuant to the provisions of section 302.306, below the number of points
73 required for suspension or revocation pursuant to the provisions of this section, then the
74 person's license shall not be suspended or revoked until the necessary points are again
75 obtained and accumulated.

76 9. If any person shall neglect or refuse to surrender the person's license, as provided
77 herein, the director shall direct the state highway patrol or any peace or police officer to
78 secure possession thereof and return it to the director.

79 10. Upon the issuance of a reinstatement or termination notice after a suspension or
80 revocation of any person's license and driving privilege under the provisions of sections
81 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that
82 the points of any person serving as a member of the Armed Forces of the United States
83 outside the limits of the United States during a period of suspension or revocation shall be
84 reduced to zero upon the date of the reinstatement or termination of notice. It shall be the
85 responsibility of such member of the Armed Forces to submit copies of official orders to the
86 director of revenue to substantiate such overseas service. Any other provision of sections
87 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points
88 remaining on the record upon reinstatement or termination shall be the date of the
89 reinstatement or termination notice.

90 11. No credit toward reduction of points shall be given during periods of suspension
91 or revocation or any period of driving under a limited driving privilege granted by a court or
92 the director of revenue.

93 12. Any person or nonresident whose license or privilege to operate a motor vehicle
94 in this state has been suspended or revoked under this or any other law shall, before having
95 the license or privilege to operate a motor vehicle reinstated, pay to the director a
96 reinstatement fee of twenty dollars which shall be in addition to all other fees provided by
97 law.

98 13. Notwithstanding any other provision of law to the contrary, if after two years from
99 the effective date of any suspension or revocation issued under this chapter, except any
100 suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or
101 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate
102 such license or privilege to operate a motor vehicle in this state. Any person who has had his

103 or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be
104 required to pay the reinstatement fee.

105 14. No person who has had a license to operate a motor vehicle suspended or revoked
106 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
107 subsection 1 of section 302.302 shall have that license reinstated until such person has
108 participated in and successfully completed a substance abuse traffic offender program defined
109 in section 302.010, or a program determined to be comparable by the department of mental
110 health. Assignment recommendations, based upon the needs assessment as described in
111 subdivision [~~(24)~~] **(23)** of section 302.010, shall be delivered in writing to the person with
112 written notice that the person is entitled to have such assignment recommendations reviewed
113 by the court if the person objects to the recommendations. The person may file a motion in
114 the associate division of the circuit court of the county in which such assignment was given,
115 on a printed form provided by the state courts administrator, to have the court hear and
116 determine such motion pursuant to the provisions of chapter 517. The motion shall name the
117 person or entity making the needs assessment as the respondent and a copy of the motion
118 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,
119 the court may modify or waive any assignment recommendation that the court determines to
120 be unwarranted based upon a review of the needs assessment, the person's driving record, the
121 circumstances surrounding the offense, and the likelihood of the person committing a like
122 offense in the future, except that the court may modify but may not waive the assignment to
123 an education or rehabilitation program of a person determined to be a prior or persistent
124 offender as defined in section 577.001 or of a person determined to have operated a motor
125 vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
126 Compliance with the court determination of the motion shall satisfy the provisions of this
127 section for the purpose of reinstating such person's license to operate a motor vehicle. The
128 respondent's personal appearance at any hearing conducted pursuant to this subsection shall
129 not be necessary unless directed by the court.

130 15. The fees for the program authorized in subsection 14 of this section, or a portion
131 thereof to be determined by the department of mental health, shall be paid by the person
132 enrolled in the program. Any person who is enrolled in the program shall pay, in addition to
133 any fee charged for the program, a supplemental fee in an amount to be determined by the
134 department of mental health for the purposes of funding the substance abuse traffic offender
135 program defined in section 302.010 or a program determined to be comparable by the
136 department of mental health. The administrator of the program shall remit to the division of
137 alcohol and drug abuse of the department of mental health on or before the fifteenth day of
138 each month the supplemental fee for all persons enrolled in the program, less two percent for
139 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees

140 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate
141 not to exceed the annual rate established pursuant to the provisions of section 32.065, plus
142 three percentage points. The supplemental fees and any interest received by the department
143 of mental health pursuant to this section shall be deposited in the mental health earnings fund
144 which is created in section 630.053.

145 16. Any administrator who fails to remit to the division of alcohol and drug abuse of
146 the department of mental health the supplemental fees and interest for all persons enrolled in
147 the program pursuant to this section shall be subject to a penalty equal to the amount of
148 interest accrued on the supplemental fees due the division pursuant to this section. If the
149 supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug
150 abuse of the department of mental health within six months of the due date, the attorney
151 general of the state of Missouri shall initiate appropriate action of the collection of said fees
152 and interest accrued. The court shall assess attorney fees and court costs against any
153 delinquent program.

154 17. Any person who has had a license to operate a motor vehicle suspended or
155 revoked as a result of an assessment of points for a conviction for an intoxication-related
156 traffic offense as defined under section 577.001, and who has a prior alcohol-related
157 enforcement contact as defined under section 302.525, shall be required to file proof with the
158 director of revenue that any motor vehicle operated by the person is equipped with a
159 functioning, certified ignition interlock device as a required condition of reinstatement of the
160 license. The ignition interlock device shall further be required to be maintained on all motor
161 vehicles operated by the person for a period of not less than six months immediately
162 following the date of reinstatement. If the monthly monitoring reports show that the ignition
163 interlock device has registered any confirmed blood alcohol concentration readings above the
164 alcohol setpoint established by the department of transportation or that the person has
165 tampered with or circumvented the ignition interlock device within the last three months of
166 the six-month period of required installation of the ignition interlock device, then the period
167 for which the person must maintain the ignition interlock device following the date of
168 reinstatement shall be extended until the person has completed three consecutive months with
169 no violations as described in this section. If the person fails to maintain such proof with the
170 director, the license shall be resuspended or revoked and the person shall be guilty of a class
171 A misdemeanor.

302.345. Notwithstanding any other provision of law, no federal, state, county,
2 [~~municipal,~~] or local court shall defer imposition of judgment, suspend imposition of
3 sentence, or allow an individual who possesses a commercial driver's license or is required to
4 possess a commercial driver's license issued pursuant to this chapter or the laws of another
5 state to enter into a diversion program that would prevent a conviction for any violation, in

6 any type of motor vehicle, of a federal, state, county, municipal, or local traffic control law
7 from appearing on the driver's record maintained by the director of revenue.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or
2 revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated
3 until such person has participated in and successfully completed a substance abuse traffic
4 offender program defined in section 302.010, or a program determined to be comparable by
5 the department of mental health. Assignment recommendations, based upon the needs
6 assessment as described in subdivision [~~(24)~~] **(23)** of section 302.010, shall be delivered in
7 writing to the person with written notice that the person is entitled to have such assignment
8 recommendations reviewed by the court if the person objects to the recommendations. The
9 person may file a motion in the associate division of the circuit court of the county in which
10 such assignment was given, on a printed form provided by the state courts administrator, to
11 have the court hear and determine such motion pursuant to the provisions of chapter 517. The
12 motion shall name the person or entity making the needs assessment as the respondent and a
13 copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
14 hearing the motion, the court may modify or waive any assignment recommendation that the
15 court determines to be unwarranted based upon a review of the needs assessment, the person's
16 driving record, the circumstances surrounding the offense, and the likelihood of the person
17 committing a like offense in the future, except that the court may modify but may not waive
18 the assignment to an education or rehabilitation program of a person determined to be a prior
19 or persistent offender as defined in section 577.001 or of a person determined to have
20 operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such
21 person's blood. Compliance with the court determination of the motion shall satisfy the
22 provisions of this section for the purpose of reinstating such person's license to operate a
23 motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to
24 this subsection shall not be necessary unless directed by the court.

25 2. The fees for the program authorized in subsection 1 of this section, or a portion
26 thereof to be determined by the division of alcohol and drug abuse of the department of
27 mental health, shall be paid by the person enrolled in the program. Any person who is
28 enrolled in the program shall pay, in addition to any fee charged for the program, a
29 supplemental fee to be determined by the department of mental health for the purposes of
30 funding the substance abuse traffic offender program defined in section 302.010 or a program
31 determined to be comparable by the department of mental health. The administrator of the
32 program shall remit to the division of alcohol and drug abuse of the department of mental
33 health on or before the fifteenth day of each month the supplemental fee for all persons
34 enrolled in the program, less two percent for administrative costs. Interest shall be charged on
35 any unpaid balance of the supplemental fees due the division of alcohol and drug abuse

36 pursuant to this section and shall accrue at a rate not to exceed the annual rate established
37 pursuant to the provision of section 32.065 plus three percentage points. The supplemental
38 fees and any interest received by the department of mental health pursuant to this section shall
39 be deposited in the mental health earnings fund which is created in section 630.053.

40 3. Any administrator who fails to remit to the division of alcohol and drug abuse of
41 the department of mental health the supplemental fees and interest for all persons enrolled in
42 the program pursuant to this section shall be subject to a penalty equal to the amount of
43 interest accrued on the supplemental fees due the division pursuant to this section. If the
44 supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug
45 abuse of the department of mental health within six months of the due date, the attorney
46 general of the state of Missouri shall initiate appropriate action of the collection of said fees
47 and interest accrued. The court shall assess attorney fees and court costs against any
48 delinquent program.

49 4. Court-ordered participation in a substance abuse traffic offender program, pursuant
50 to section 302.580, shall satisfy the requirements of this section if the court action arose out of
51 the same occurrence that resulted in a person's license being administratively suspended or
52 revoked.

53 5. The division of alcohol and drug abuse of the department of mental health may
54 create a treatment demonstration project within existing appropriations and shall develop and
55 certify a program to provide education or rehabilitation services for individuals determined by
56 the division to be serious or repeat offenders. The program shall qualify as a substance abuse
57 traffic offender program. As used in this subsection, a "serious or repeat offender" is one who
58 was determined to have a blood alcohol content of fifteen-hundredths of one percent or more
59 by weight while operating a motor vehicle or a prior or persistent offender as defined in
60 section 577.001.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the
3 director of revenue, serve the notice of license revocation personally upon the person and
4 shall take possession of any license to operate a vehicle issued by this state which is held by
5 that person. The officer shall issue a temporary permit, on behalf of the director of revenue,
6 which is valid for fifteen days and shall also give the person notice of his or her right to file a
7 petition for review to contest the license revocation.

8 2. Such officer shall make a certified report under penalties of perjury for making a
9 false statement to a public official. The report shall be forwarded to the director of revenue
10 and shall include the following:

11 (1) That the officer has:

12 (a) Reasonable grounds to believe that the arrested person was driving a motor
13 vehicle while in an intoxicated condition; or

14 (b) Reasonable grounds to believe that the person stopped, being under the age of
15 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-
16 hundredths of one percent or more by weight; or

17 (c) Reasonable grounds to believe that the person stopped, being under the age of
18 twenty-one years, was committing a violation of the traffic laws of the state, or political
19 subdivision of the state, and such officer has reasonable grounds to believe, after making such
20 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

21 (2) That the person refused to submit to a chemical test;

22 (3) Whether the officer secured the license to operate a motor vehicle of the person;

23 (4) Whether the officer issued a fifteen-day temporary permit;

24 (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the
25 notice of the right to file a petition for review. The notices and permit may be combined in
26 one document; and

27 (6) Any license, which the officer has taken into possession, to operate a motor
28 vehicle.

29 3. Upon receipt of the officer's report, the director shall revoke the license of the
30 person refusing to take the test for a period of one year; or if the person is a nonresident, such
31 person's operating permit or privilege shall be revoked for one year; or if the person is a
32 resident without a license or permit to operate a motor vehicle in this state, an order shall be
33 issued denying the person the issuance of a license or permit for a period of one year.

34 4. If a person's license has been revoked because of the person's refusal to submit to a
35 chemical test, such person may petition for a hearing before a circuit division or associate
36 division of the court in the county in which the arrest or stop occurred. Pursuant to local court
37 rule promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case
38 may also be assigned to a traffic judge pursuant to section 479.500. The person may request
39 such court to issue an order staying the revocation until such time as the petition for review
40 can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a
41 form prescribed by the director of revenue and shall send a copy of such order to the director.
42 Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the
43 director shall maintain possession of the person's license to operate a motor vehicle until
44 termination of any revocation under this section. Upon the person's request, the clerk of the
45 court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the
46 hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

47 (1) Whether the person was arrested or stopped;

48 (2) Whether the officer had:

49 (a) Reasonable grounds to believe that the person was driving a motor vehicle while
50 in an intoxicated or drugged condition; or

51 (b) Reasonable grounds to believe that the person stopped, being under the age of
52 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-
53 hundredths of one percent or more by weight; or

54 (c) Reasonable grounds to believe that the person stopped, being under the age of
55 twenty-one years, was committing a violation of the traffic laws of the state, or political
56 subdivision of the state, and such officer had reasonable grounds to believe, after making such
57 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
58 and

59 (3) Whether the person refused to submit to the test.

60 5. If the court determines any issue not to be in the affirmative, the court shall order
61 the director to reinstate the license or permit to drive.

62 6. Requests for review as provided in this section shall go to the head of the docket of
63 the court wherein filed.

64 7. No person who has had a license to operate a motor vehicle suspended or revoked
65 under the provisions of this section shall have that license reinstated until such person has
66 participated in and successfully completed a substance abuse traffic offender program defined
67 in section 302.010, or a program determined to be comparable by the department of mental
68 health. Assignment recommendations, based upon the needs assessment as described in
69 subdivision [~~(24)~~] **(23)** of section 302.010, shall be delivered in writing to the person with
70 written notice that the person is entitled to have such assignment recommendations reviewed
71 by the court if the person objects to the recommendations. The person may file a motion in
72 the associate division of the circuit court of the county in which such assignment was given,
73 on a printed form provided by the state courts administrator, to have the court hear and
74 determine such motion under the provisions of chapter 517. The motion shall name the
75 person or entity making the needs assessment as the respondent and a copy of the motion
76 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,
77 the court may modify or waive any assignment recommendation that the court determines to
78 be unwarranted based upon a review of the needs assessment, the person's driving record, the
79 circumstances surrounding the offense, and the likelihood of the person committing a similar
80 offense in the future, except that the court may modify but shall not waive the assignment to
81 an education or rehabilitation program of a person determined to be a prior or persistent
82 offender as defined in section 577.001, or of a person determined to have operated a motor
83 vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight.
84 Compliance with the court determination of the motion shall satisfy the provisions of this
85 section for the purpose of reinstating such person's license to operate a motor vehicle. The

86 respondent's personal appearance at any hearing conducted under this subsection shall not be
87 necessary unless directed by the court.

88 8. The fees for the substance abuse traffic offender program, or a portion thereof, to
89 be determined by the division of behavioral health of the department of mental health, shall
90 be paid by the person enrolled in the program. Any person who is enrolled in the program
91 shall pay, in addition to any fee charged for the program, a supplemental fee to be determined
92 by the department of mental health for the purposes of funding the substance abuse traffic
93 offender program defined in section 302.010. The administrator of the program shall remit to
94 the division of behavioral health of the department of mental health on or before the fifteenth
95 day of each month the supplemental fee for all persons enrolled in the program, less two
96 percent for administrative costs. Interest shall be charged on any unpaid balance of the
97 supplemental fees due to the division of behavioral health under this section, and shall accrue
98 at a rate not to exceed the annual rates established under the provisions of section 32.065, plus
99 three percentage points. The supplemental fees and any interest received by the department
100 of mental health under this section shall be deposited in the mental health earnings fund,
101 which is created in section 630.053.

102 9. Any administrator who fails to remit to the division of behavioral health of the
103 department of mental health the supplemental fees and interest for all persons enrolled in the
104 program under this section shall be subject to a penalty equal to the amount of interest
105 accrued on the supplemental fees due to the division under this section. If the supplemental
106 fees, interest, and penalties are not remitted to the division of behavioral health of the
107 department of mental health within six months of the due date, the attorney general of the
108 state of Missouri shall initiate appropriate action for the collection of said fees and accrued
109 interest. The court shall assess attorneys' fees and court costs against any delinquent program.

110 10. Any person who has had a license to operate a motor vehicle revoked under this
111 section and who has a prior alcohol-related enforcement contact, as defined in section
112 302.525, shall be required to file proof with the director of revenue that any motor vehicle
113 operated by the person is equipped with a functioning, certified ignition interlock device as a
114 required condition of license reinstatement. Such ignition interlock device shall further be
115 required to be maintained on all motor vehicles operated by the person for a period of not less
116 than six months immediately following the date of reinstatement. If the monthly monitoring
117 reports show that the ignition interlock device has registered any confirmed blood alcohol
118 concentration readings above the alcohol setpoint established by the department of
119 transportation or that the person has tampered with or circumvented the ignition interlock
120 device within the last three months of the six-month period of required installation of the
121 ignition interlock device, then the period for which the person shall maintain the ignition
122 interlock device following the date of reinstatement shall be extended until the person has

123 completed three consecutive months with no violations as described in this section. If the
124 person fails to maintain such proof with the director as required by this section, the license
125 shall be rerevoked until proof as required by this section is filed with the director, and the
126 person shall be guilty of a class A misdemeanor.

127 11. The revocation period of any person whose license and driving privilege has been
128 revoked under this section and who has filed proof of financial responsibility with the
129 department of revenue in accordance with chapter 303 and is otherwise eligible shall be
130 terminated by a notice from the director of revenue after one year from the effective date of
131 the revocation. Unless proof of financial responsibility is filed with the department of
132 revenue, the revocation shall remain in effect for a period of two years from its effective date.
133 If the person fails to maintain proof of financial responsibility in accordance with chapter 303,
134 the person's license and driving privilege shall be rerevoked.

135 12. A person commits the offense of failure to maintain proof with the Missouri
136 department of revenue if, when required to do so, he or she fails to file proof with the director
137 of revenue that any vehicle operated by the person is equipped with a functioning, certified
138 ignition interlock device or fails to file proof of financial responsibility with the department of
139 revenue in accordance with chapter 303. The offense of failure to maintain proof with the
140 Missouri department of revenue is a class A misdemeanor.

302.592. 1. A record of the disposition in any court proceeding involving any
2 criminal offense, infraction, or ordinance violation related to the operation of a vehicle while
3 intoxicated or with an excessive blood alcohol content shall be forwarded to the department
4 of revenue, within seven days by the clerk of the court in which the proceeding was held. The
5 records shall be forwarded by the department of revenue, within fifteen days of receipt, to the
6 Missouri state highway patrol and shall be entered by the highway patrol in the Missouri
7 uniform law enforcement system records. Dispositions that shall be reported are guilty pleas,
8 findings of guilt, suspended imposition of sentence, suspended execution of sentence,
9 probation, conditional sentences, sentences of confinement, and any other such dispositions
10 that may be required under state or federal regulations. The record forwarded by the clerk
11 shall clearly state the name of the court, the court case number, the name, address, and motor
12 vehicle operator's or chauffeur's license number of the person who is the subject of the
13 proceeding, the code or number identifying the particular arrest, and any court action or
14 requirements pertaining thereto.

15 2. All records received by the Missouri state highway patrol or the department of
16 revenue under the provisions of this section shall be entered in the Missouri uniform law
17 enforcement system records and maintained by the Missouri state highway patrol. Records
18 placed in the Missouri uniform law enforcement system under the provisions of this section

19 shall be made available to any law enforcement officer in this state, any prosecuting or circuit
20 attorney in this state, or to any judge of a ~~municipal or~~ state court upon request.

21 3. A person commits the offense of refusal to furnish records of disposition if he or
22 she is required to furnish records to the Missouri state highway patrol or department of
23 revenue under this section and purposely refuses to furnish such records. The offense of
24 refusal to furnish records of disposition is a class D misdemeanor.

313.500. As used in sections 313.500 to 313.710, unless the context clearly indicates
2 that a different meaning is intended, the following terms mean:

3 (1) "Breakage", the odd cents by which the amount payable on each dollar wagered
4 exceeds a multiple of ten cents;

5 (2) "Commission", the Missouri gaming commission, created in section 313.004, or
6 its designate;

7 (3) "County", any county in the state of Missouri or the city of St. Louis;

8 (4) "Horse", any equine, ass, mule, pony, or hybrid thereof;

9 (5) "Organization", any individual, political subdivision, state agency, partnership,
10 unincorporated association, firm, or corporation licensed by the commission to conduct a
11 horse racing meeting;

12 (6) "Pari-mutuel wagering", a form of wagering on the outcome of horse races in
13 which those who wager purchase tickets of various denominations on a horse or horses in one
14 or more races, all wagers are pooled, and when the outcome of the race has been declared
15 official, the total wagers comprising each pool, less such amounts provided herein or which
16 are provided by law or rule, will be distributed to holders of winning tickets on the winning
17 horse or horses;

18 (7) "Public official", any elected member of the executive branch of state government
19 and any director of a state department, any judge ~~[other than a judge of the municipal division
20 of a circuit court]~~, and any elected member of the legislative branch of state government;

21 (8) "Race meet" or "race meeting", the whole period of time, whether consecutive
22 dates or those instances where nonconsecutive dates are granted, for which a race track
23 license to race has been granted to any one organization by the commission;

24 (9) "Racing", any type of horse racing.

361.330. 1. It shall be unlawful in this state for any corporation subject to the
2 provisions of this chapter to make a voluntary general assignment of its business and affairs.

3 2. In case it shall find itself to be in a failing condition, it shall immediately place
4 itself in the hands of the director.

5 3. Any deed of voluntary general assignment executed by any such corporation shall
6 be null and void, and in case the officers or directors of any such institution shall endeavor to

7 make any voluntary general assignment of its assets, the director shall immediately take
8 possession thereof and proceed, as provided in section 361.340 and following.

9 4. All transfers of the notes, bonds, bills of exchange, or other evidence of debt owing
10 to any corporation, or of deposits to its credit; all assignments of mortgages, securities on real
11 estate or of judgments or decrees in its favor; all deposits of money, bullion or other valuable
12 thing for its use, or for the use of any of its shareholders or creditors; and all payments of
13 money to it, made after the commission of an act of insolvency, or in contemplation thereof,
14 made with a view to prevent the application of its assets in the manner prescribed by this
15 chapter, or with a view to the preference of one creditor to another, shall be utterly null and
16 void.

17 5. No attachment, injunction or execution shall be issued against such corporation, or
18 its property, before final judgment in any suit, action or proceeding in any state[;] **or** county
19 ~~[or municipal]~~ court.

428.105. 1. For the purposes of sections 428.105 to 428.135:

2 (1) "Court" is the United States Supreme Court, Federal Courts of Appeal, Federal
3 District Courts, Federal Magistrates, Federal Administrative Courts, Missouri supreme court,
4 Missouri courts of appeal, Missouri circuit courts, and Missouri associate circuit courts ~~[but~~
5 ~~shall not include municipal courts]~~;

6 (2) "Filing officer" is the secretary of state, the recorder of deeds of any county, the
7 circuit clerk of any county or any public official or authorized employee required by law to
8 accept for filing and keep as a public record any lien, deed, instrument, judgment or other
9 document, whether in paper, electronic or other form, required to be filed or recorded under
10 the laws of this state;

11 (3) "Nonconsensual common law lien" is a document that purports to assert a lien
12 against the assets, real or personal, of any person and that, regardless of any self-description:

13 (a) Is not expressly provided for by a specific state or federal statute;

14 (b) Does not depend upon the consent of the owner of the property affected or the
15 existence of a contract for its existence; and

16 (c) Is not an equitable or constructive lien imposed by a state or federal court of
17 competent jurisdiction.

18 2. Nothing in sections 428.105 to 428.135 shall be construed to create a lien or
19 interest in property not otherwise existing under state or federal law.

20 ~~[3. Nothing in sections 428.105 to 428.135 shall be construed to permit a municipal~~
21 ~~court to create a lien or interest in property not otherwise existing under state or federal law.]~~

446.040. When the corner or corners of any survey shall have been destroyed or
2 obliterated by time or accident, the owner of such survey, or of any other lands, the title of
3 which may be affected by the loss of any such corner, or if the corner is a corner of the United

4 States Public Land Survey, the state land surveyor may call on a judge of the circuit court[
5 ~~other than a municipal judge,~~] of the county in which the land shall be situate, for the purpose
6 of establishing such corners by testimony.

447.010. If any person finds any money, goods, right in action, or other personal
2 property, or valuable thing whatever, of the value of ten dollars or more, the owner of which is
3 unknown, he shall, within ten days, make an affidavit before some judge of the circuit court
4 of the county[~~, other than a municipal judge,~~] stating when and where he found the same, that
5 the owner is unknown to him, and that he has not secreted, withheld or disposed of any part
6 thereof.

451.100. Marriages may be solemnized by any clergyman, either active or retired,
2 who is in good standing with any church or synagogue in this state. Marriages may also be
3 solemnized, without compensation, by any judge[~~, including a municipal judge~~]. Marriages
4 may also be solemnized by a religious society, religious institution, or religious organization
5 of this state, according to the regulations and customs of the society, institution or
6 organization, when either party to the marriage to be solemnized is a member of such society,
7 institution or organization.

476.010. The supreme court of the state of Missouri, the court of appeals, and the
2 circuit courts shall be courts of record, and shall keep just and faithful records of their
3 proceedings. [~~Notwithstanding the foregoing, municipal divisions of the circuit courts shall
4 not be considered courts of record, regardless of whether or not a verbatim record of
5 proceedings before the division is kept.~~]

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance
8 remaining in the statewide court automation fund at the end of each biennium shall not be
9 subject to the provisions of section 33.080 requiring the transfer of such unexpended balance
10 to general revenue.

11 2. The statewide court automation fund shall be administered by a court automation
12 committee consisting of the following: the chief justice of the supreme court, a judge from
13 the court of appeals, four circuit judges, four associate circuit judges, four employees of the
14 circuit court, [~~two employees who work full time in a municipal division of a circuit court,~~]
15 the commissioner of administration, two members of the house of representatives appointed
16 by the speaker of the house, two members of the senate appointed by the president pro tem of

17 the senate, the executive director of the Missouri Office of Prosecution Services, the director
18 of the state public defender system, and two members of the Missouri Bar. The judge
19 members and employee members shall be appointed by the chief justice. The commissioner
20 of administration shall serve ex officio. The members of the Missouri Bar shall be appointed
21 by the board of governors of the Missouri Bar. Any member of the committee may designate
22 another person to serve on the committee in place of the committee member.

23 3. The committee shall develop and implement a plan for a statewide court
24 automation system. The committee shall have the authority to hire consultants, review
25 systems in other jurisdictions and purchase goods and services to administer the provisions of
26 this section. The committee may implement one or more pilot projects in the state for the
27 purposes of determining the feasibility of developing and implementing such plan. The
28 members of the committee shall be reimbursed from the court automation fund for their actual
29 expenses in performing their official duties on the committee.

30 4. Any purchase of computer software or computer hardware that exceeds five
31 thousand dollars shall be made pursuant to the requirements of the office of administration for
32 lowest and best bid. Such bids shall be subject to acceptance by the office of administration.
33 The court automation committee shall determine the specifications for such bids.

34 5. The court automation committee shall not require any circuit court to change any
35 operating system in such court, unless the committee provides all necessary personnel, funds
36 and equipment necessary to effectuate the required changes. No judicial circuit or county
37 may be reimbursed for any costs incurred pursuant to this subsection unless such judicial
38 circuit or county has the approval of the court automation committee prior to incurring the
39 specific cost.

40 6. Any court automation system, including any pilot project, shall be implemented,
41 operated and maintained in accordance with strict standards for the security and privacy of
42 confidential judicial records. Any person who knowingly releases information from a
43 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing
44 that a judicial record is confidential, uses information from such confidential record for
45 financial gain is guilty of a class E felony.

46 7. On the first day of February, May, August and November of each year, the court
47 automation committee shall file a report on the progress of the statewide automation system
48 with:

- 49 (1) The chair of the house budget committee;
50 (2) The chair of the senate appropriations committee;
51 (3) The chair of the house judiciary committee; and
52 (4) The chair of the senate judiciary committee.

53 8. The court automation committee established pursuant to this section may continue
54 to function until completion of its duties prescribed by this section.

 476.058. 1. As used in this section, the term "court personnel" includes all personnel
2 of all state courts and all divisions of the courts, including juvenile~~[s]~~ **and** family ~~and~~
3 ~~municipal~~ divisions, and clerks, deputy clerks, division clerks, official court reporters, law
4 clerks and court administrators, but not including judges.

5 2. There is hereby established in the state treasury the "State Court Administration
6 Revolving Fund". Any moneys received by or on behalf of the state court administrator from
7 registration fees, grants, or any other source in connection with the training and education of
8 court personnel provided pursuant to this section shall be deposited into the fund.

9 3. In addition, any moneys received by or on behalf of the state courts administrator
10 from fees, grants, or any other sources in connection with the preparation of court transcripts
11 shall be deposited in the fund provided, however, that moneys collected in the fund in
12 connection with a particular purpose shall be segregated and shall not be disbursed for any
13 other purpose.

14 4. The state treasurer shall administer the fund and shall disburse moneys from the
15 fund to the state courts administrator pursuant to appropriations in order to provide training,
16 to purchase goods and services related to the training and education of court personnel, and to
17 pay for goods and services associated with the preparation of court transcripts.

18 5. Any unexpended balance remaining in the fund at the end of each biennium shall
19 be exempt from the provisions of section 33.080 relating to the transfer of unexpended
20 balances to the general revenue fund, until the amount in the state courts administration
21 revolving fund exceeds the greater of either one-half of the expenditures from the fund during
22 the previous year, or fifty thousand dollars.

 476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates or containing, as of
5 January 1, 2016, a diagnostic and reception center operated by the department of corrections
6 and a mental health facility operated by the department of mental health which houses
7 persons found not guilty of a crime by reason of mental disease or defect under chapter 552
8 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a
9 circuit court marshal to aid the presiding judge in the administration of the judicial business of
10 the circuit by overseeing the physical security of court facilities, including courtrooms, jury
11 rooms, and chambers or offices of the court; serving court-generated papers and orders; and
12 assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit
13 court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of

14 the presiding judge. The circuit court marshal authorized by this section is in addition to staff
15 support from the circuit clerks, deputy circuit clerks, division clerks~~[-, municipal clerks]~~, and
16 any other staff personnel which may otherwise be provided by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of
18 the circuit within funds made available for that purpose, but such salary shall not exceed
19 ninety percent of the salary of the highest paid sheriff serving a county wholly or partially
20 within that circuit. Personnel authorized by this section shall be paid from state funds or
21 federal grant moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have
23 at least five years' prior experience as a law enforcement officer. In addition, any such person
24 shall within one year after appointment, or as soon as practicable, attend a court security
25 school or training program operated by the United States Marshal Service. In addition to all
26 other powers and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

476.270. All expenditures accruing in the circuit courts, except salaries and clerk hire
2 which is payable by the state~~[-, except all expenditures accruing in the municipal divisions of~~
3 ~~the circuit court,]~~ and except as otherwise provided by law, shall be paid out of the treasury of
4 the county in which the court is held in the same manner as other demands.

476.290. No judge~~[-, except a part-time municipal judge,]~~ shall practice or act as
2 counselor or attorney in any court within this state nor shall any clerk or deputy clerk, while
3 he continues to act as such, plead, practice or act as counselor or attorney in any court within
4 the county for which he is such clerk or deputy clerk, in his own name or in the name of any
5 other person, under any pretense whatever.

476.310. No judge, clerk or deputy clerk of any court shall have any partner
2 practicing in the court in which he is a judge, clerk or deputy clerk~~[-, except that the partner of~~
3 ~~a municipal judge who is not a full-time judge may practice in other divisions of the circuit~~
4 ~~court if such practice does not involve municipal ordinance violation cases arising from a~~
5 ~~municipality which is served by such municipal judge].~~

476.451. The meaning of the terms hereinafter defined shall encompass the following
2 meanings except where the context clearly reveals otherwise:

3 (1) In sections 476.450 and 476.470, the term "Section 25 of Article V of the
4 Constitution of Missouri" refers to the section of the constitution which was so designated in
5 the text of the constitution prior to January 1, 1972.

6 (2) In sections 476.450 and 476.453, the term "judge of the circuit court" means
7 "circuit judge".

8 (3) In section 476.455, the term "Section 29, Article V of the Constitution" refers to
9 the section of the constitution which was so designated in the text of the constitution prior to
10 January 2, 1979, and refers to the nonpartisan court plan.

11 (4) In section 476.456, the term "courts provided for under Sections 16 and 18,
12 Article V of the Constitution" refers to the probate and magistrate courts which were provided
13 for in the constitution prior to January 2, 1979, and the divisions of the circuit court after that
14 date which replace such courts.

15 (5) From and after January 2, 1979, the judicial offices listed in section 476.458 shall
16 be deemed to include those judgeships replacing the named judgeships by reason of the
17 adoption of Constitutional Amendment No. 6 at the election of August 3, 1976. To the extent
18 that the provisions of section 476.458 are inconsistent with provisions contained in said
19 Constitutional Amendment No. 6, as provisions of Constitutional Amendment No. 6 become
20 effective such provisions shall control to the exclusion of the contrary provisions contained in
21 section 476.458.

22 (6) In subdivision (4) of section 476.515, the term "judge of any circuit court"
23 includes a circuit judge and an associate circuit judge~~[- but does not include a municipal~~
24 ~~judge].~~

25 (7) In section 476.520, the term "Subsection 2 of Section 27 of Article V of the
26 Constitution of Missouri" refers to the section of the constitution which was so designated in
27 the text of the constitution prior to January 2, 1979, and to Subsection 2 of Section 24 of
28 Article V of the Constitution in effect after that date.

29 (8) In sections 476.520 and 476.535, the term "Section 30 of Article V of the
30 Constitution" refers to the section of the constitution which was so designated in the text of
31 the constitution prior to January 2, 1979, and to Subsection 1 of Section 26 of Article V of the
32 Constitution in effect after that date.

33 (9) In section 476.550, the term "Section 27 of Article V of the Constitution of
34 Missouri" refers to the section of the constitution which was so designated in the text of the
35 constitution prior to January 2, 1979, and to Section 24 of Article V of the constitution after
36 that date.

37 ~~[(10) In section 476.575, the term "judge" shall not include a municipal judge.]~~

478.014. The term "judge of the circuit court" as used in section 478.013 means
2 circuit judge, and does not include an associate circuit judge ~~[or municipal judge].~~

478.017. 1. Each circuit judge of a judicial circuit composed of a single county which
2 now has or may hereafter have less than two hundred thousand inhabitants and in which
3 circuit court is held in more than one place and each circuit and associate circuit judge of a

4 circuit court which consists of more than one county, in addition to his salary, shall be
5 reimbursed out of the state treasury for all reasonable and necessary travel and subsistence
6 expenses incurred in holding court at any place in the county of his residence other than the
7 place of his residence.

8 2. Each circuit and associate circuit judge of a judicial circuit which consists of more
9 than one county, in addition to his salary, shall be reimbursed out of the state treasury for all
10 reasonable and necessary travel and subsistence expenses incurred in holding court in a
11 county other than the county of his residence.

12 3. Whenever a judge [~~other than a municipal judge,~~] travels to any place other than to
13 the judge's regular courtroom or courtrooms to hear municipal ordinance violation cases, he
14 shall be reimbursed from the state treasury, in addition to his salary, for his reasonable and
15 necessary travel and subsistence expenses incurred in holding court at such place.

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

11 2. Subject to the authority of the supreme court and the chief justice under Article V
12 of the Constitution, the presiding judge of the circuit shall have general administrative
13 authority over all judicial personnel and court officials in the circuit, including the authority to
14 assign any judicial or court personnel anywhere in the circuit, and shall have the authority to
15 assign judges to hear such cases or classes of cases as the presiding judge may designate, and
16 to assign judges to divisions. Such assignment authority shall include the authority to
17 authorize particular associate circuit judges to hear and determine cases or classes of cases.
18 By this subsection the presiding judge shall not, however, be authorized to make the
19 following assignments:

20 (1) [~~Assignment of a municipal judge to hear any case other than to initially hear a~~
21 ~~municipal ordinance violation case of the municipality which makes provision for such~~
22 ~~municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a~~
23 ~~municipality within the circuit to hear and determine municipal ordinance violations in a~~
24 ~~court of another municipality within the circuit if the municipality to which the judge is~~

25 ~~especially assigned by the presiding judge has made provision for the compensation of such~~
 26 ~~judge;~~

27 ~~(2)~~ Assignment of a judge to hear the trial of a felony case when he or she has
 28 previously conducted the preliminary hearing in that case, unless the defendant has signed a
 29 written waiver permitting the same judge to hear both the preliminary hearing and the trial, or
 30 unless the defendant has indicated on the record that the defendant is permitting the same
 31 judge to hear both the preliminary hearing and the trial;

32 ~~[(3)]~~ (2) Assignment of a case to a judge contrary to provisions of supreme court rules
 33 or local circuit court rules; and

34 ~~[(4)]~~ (3) Assignment of a case or class of cases not within the class of cases specified
 35 in section 472.020 to a circuit judge who is also judge of the probate division and who was on
 36 January 1, 1979, a probate judge shall only be with the consent of such judge of the probate
 37 division.

38 3. If any circuit judge or associate circuit judge shall proceed to hear and determine
 39 any case or class of cases which has not been assigned to him or her by the presiding judge
 40 pursuant to subsection 1 or 2 of this section, or to which he or she had not been transferred by
 41 the chief justice of the supreme court, or in the event the purported assignment to him or her
 42 shall be determined to be defective or deficient in any manner, any order or judgment he or
 43 she may have entered may be set aside, as otherwise provided by rule or by law, and the judge
 44 may be subject to discipline under Article V, Section 24 of the Missouri Constitution, but he
 45 or she shall not be deemed to have acted other than as a judicial officer because of any such
 46 absence, defect or deficiency of assignment under this section, or transfer by the chief justice.

478.245. 1. Subject to the provisions of Article V of the Constitution and authority
 2 exercised under such provisions, the circuit judges of the circuit may adopt local court rules
 3 which provide:

4 (1) Cases or classes of cases that may or shall be assigned to particular divisions of
 5 the circuit court;

6 (2) Filing (including the place of filing) and assignment systems for the circuit court
 7 of each county which may include: (a) centralized filing procedures for cases which are heard
 8 by circuit judges; **and** (b) centralized assignment procedures or individualized docketing
 9 procedures for cases or classes of cases which are heard by circuit judges~~[- and (c) filing and~~
 10 ~~assignment procedures for cases which are heard by municipal judges].~~

11 2. Notwithstanding the provisions of subsection 1 of this section, no such local circuit
 12 court rule:

13 (1) Shall provide for assignments which a presiding judge is prohibited from making
 14 by subdivisions (1)~~[-(2)]~~ and ~~[(4)]~~ (3) of subsection 2 of section 478.240 or which are
 15 contrary to provisions of supreme court rules; **and**

16 (2) Shall provide for the maintenance of the permanent case records and judgments of
17 the circuit court other than with the circuit clerk, except records with respect to probate cases,
18 misdemeanor and municipal ordinance violation cases, records in felony cases before the
19 filing of an information, and records in cases within the categories of cases specified in
20 subdivisions (1), (2) and (3) of subsection 1 of section 517.011]; and

21 ~~(3) Shall provide for the filing of cases or the maintenance of the permanent records~~
22 ~~in cases which are heard by municipal judges outside of the municipality providing the~~
23 ~~municipal judge, except in those situations where there is a trial de novo or the municipality~~
24 ~~consents to such filing or maintenance of records].~~

25 3. Local circuit court rules shall be adopted by a majority of the circuit judges of the
26 circuit. A copy of each circuit court rule certified by the presiding judge of the circuit shall be
27 filed with the circuit clerk and the clerk of the supreme court, and shall not become effective
28 until so filed. Each local circuit court rule adopted prior to January 2, 1979, shall cease to be
29 effective sixty days after that date if a copy thereof certified by the presiding judge of the
30 circuit is not filed with the clerk of the supreme court during that period of time.

31 4. Subject to the provisions of Article V of the Constitution and authority exercised
32 under such provisions, a majority of circuit and associate circuit judges of the circuit by order
33 may provide for: (1) centralized filing or divisional filing of cases or classes of cases which
34 are heard by associate circuit judges; and (2) centralized assignment procedures or
35 individualized docketing procedures of cases or classes of cases which are heard by associate
36 circuit judges. A copy of each such order certified by the presiding judge of the circuit shall
37 be filed with the circuit clerk and the clerk of the supreme court, and shall not become
38 effective until so filed.

478.720. 1. Within Marion County there shall be two geographical districts of the
2 circuit courts one at the county seat in Palmyra which shall be known as "District Number 1"
3 and the other in Hannibal which shall be known as "District Number 2". Said districts may
4 also be known as the "Circuit Court of Marion County at Palmyra" and the "Circuit Court at
5 Marion County at Hannibal", respectively. Both the circuit and associate circuit judges shall
6 regularly hold court at both Palmyra and Hannibal.

7 2. District number 2 of the Marion County circuit court shall have within the limits of
8 Mason and Miller townships of the county of Marion exclusive original jurisdiction in all
9 civil and criminal actions except as may otherwise herein be specifically provided. Municipal
10 ordinance violations of the city of Hannibal shall be prosecuted originally and on application
11 for trial de novo within district number 2]; and any municipal judge for which the city of
12 Hannibal determines to make provisions shall be a municipal judge of district number 2].

13 3. District number 1 of the Marion County circuit court shall have within all of
14 Marion County except in Mason and Miller townships exclusive original jurisdiction in all
15 civil and criminal actions except as may otherwise herein be specifically provided.

16 4. No person residing within the limits of Marion County, and beyond the limits of
17 Mason and Miller townships, shall be sued in district number 2 of the Marion County circuit
18 court, nor shall any person residing within the limits of said townships be sued in district
19 number 1 of the circuit court for the county of Marion, except in cases where there are more
20 defendants than one in the county of Marion, some of whom reside within and some of whom
21 reside without the limits of Mason and Miller townships; in which event suit may be brought
22 in either district of the circuit court of Marion County, except as herein provided.

23 5. When an offense shall be committed on the boundaries of the said Mason or Miller
24 townships, or within five hundred yards of said boundaries, or where the person committing
25 the offense shall be on one side and the injury be done on the other side of said boundaries, an
26 examination thereof may be made and an indictment may be found and a trial and conviction
27 thereon had either in the said district number 2 or in district number 1 of the circuit court of
28 Marion County or the circuit court of Ralls County.

29 6. If a cause be filed in district number 1 of the circuit court of Marion County when
30 it should have been filed in district number 2 of said court, or if a cause be filed in district
31 number 2 of said court when it should have been filed in district number 1 of said court, upon
32 motion of any party, the cause shall be transferred to the proper district and proceedings
33 thereafter had in that district as if the case was originally filed in that district. The matter of
34 the filing of the action in the improper district shall be deemed waived in the following
35 situations:

36 (1) In a civil action where procedures applicable before circuit judges apply, such
37 matter must be raised by motion or responsive pleading in the same manner and within the
38 same time as those defenses specified in supreme court rule 55.27(g)(1) or it will be deemed
39 waived;

40 (2) In a civil action where procedures under chapter 517 or small claim procedures
41 are applicable, such matter must be raised prior to the commencement of the trial or it will be
42 deemed waived;

43 (3) In a felony case, such matter must be raised within the time permitted to file
44 motions directed to the information or it will be deemed waived; and

45 (4) In a misdemeanor case or municipal ordinance violation case, such matter must be
46 raised prior to the commencement of the trial or it will be deemed waived. When a cause is
47 filed in an improper district, all proceedings had in the cause until a proper motion or
48 application is filed raising the matter of filing in the improper district shall be considered

49 lawful and proper, and unless such a timely motion or application be made, the matter of
50 filing in the improper district shall be of no effect.

479.010. Violations of municipal ordinances shall be heard and determined only
2 before divisions of the circuit court ~~[as hereinafter provided in this chapter]~~ **in the counties in**
3 **which the violations occurred.** "Heard and determined", for purposes of this chapter, shall
4 mean any process under which the court in question retains the final authority to make factual
5 determinations pertaining to allegations of a municipal ordinance violation, including, but not
6 limited to, the use of a system of administrative adjudication as provided in section 479.011,
7 preliminary to a determination by appeal to the court in question.

479.011. 1. (1) The following cities may establish an administrative adjudication
2 system under this section:

3 (a) Any city not within a county;

4 (b) Any home rule city with more than four hundred thousand inhabitants and located
5 in more than one county;

6 (c) Any home rule city with more than seventy-three thousand but fewer than
7 seventy-five thousand inhabitants; and

8 (d) Any home rule city with more than one hundred fifty-five thousand but fewer than
9 two hundred thousand inhabitants.

10 (2) The cities listed in subdivision (1) of this subsection may establish, by order or
11 ordinance, an administrative system for adjudicating housing, property maintenance,
12 nuisance, parking, and other civil, nonmoving municipal code violations consistent with
13 applicable state law. Such administrative adjudication system shall be subject to practice,
14 procedure, and pleading rules established by the state supreme court~~[,]~~ **or** circuit court~~[, or~~
15 ~~municipal court]~~. This section shall not be construed to affect the validity of other
16 administrative adjudication systems authorized by state law and created before August 28,
17 2004.

18 2. The order or ordinance creating the administrative adjudication system shall
19 designate the administrative tribunal and its jurisdiction, including the code violations to be
20 reviewed. The administrative tribunal may operate under the supervision of the ~~[municipal~~
21 ~~court,]~~ parking commission~~;~~ or other entity designated by order or ordinance and in a
22 manner consistent with state law. The administrative tribunal shall adopt policies and
23 procedures for administrative hearings, and filing and notification requirements for appeals to
24 the ~~[municipal or]~~ circuit court, subject to the approval of the ~~[municipal or]~~ circuit court.

25 3. The administrative adjudication process authorized in this section shall ensure a
26 fair and impartial review of contested municipal code violations, and shall afford the parties
27 due process of law. The formal rules of evidence shall not apply in any administrative review
28 or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it

29 is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of
30 their affairs. The code violation notice, property record, and related documentation in the
31 proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation.
32 The officer who issued the code violation citation need not be present.

33 4. An administrative tribunal may not impose incarceration or any fine in excess of
34 the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or
35 costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review
36 procedures under chapter 536 shall be a debt due and owing the city, and may be collected in
37 accordance with applicable law.

38 5. Any final decision or disposition of a code violation by an administrative tribunal
39 shall constitute a final determination for purposes of judicial review. Such determination is
40 subject to review under chapter 536 or, at the request of the defendant made within ten days, a
41 trial de novo in the circuit court. After expiration of the judicial review period under chapter
42 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions,
43 findings, rules, and orders may be enforced in the same manner as a judgment entered by a
44 court of competent jurisdiction. Upon being recorded in the manner required by state law or
45 the uniform commercial code, a lien may be imposed on the real or personal property of any
46 defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a
47 municipal code violation in the amount of any debt due the city under this section and
48 enforced in the same manner as a judgment lien under a judgment of a court of competent
49 jurisdiction. The city may also issue a special tax bill to collect fines issued for housing,
50 property maintenance, and nuisance code violations.

479.040. 1. (1) Any city, town or village with a population of less than four hundred
2 thousand may elect to have the violations of its municipal ordinances heard and determined
3 by an associate circuit judge of the circuit in which the city, town or village, or the major
4 geographical portion thereof, is located; provided, however, if such election is made, all
5 violations of that municipality's ordinances shall be heard and determined before an associate
6 circuit judge or judges. ~~[If a municipality has elected to have the violations of its municipal~~
7 ~~ordinances heard and determined by an associate circuit judge, the municipality may~~
8 ~~thereafter elect to provide for a municipal judge or judges to hear such cases; provided,~~
9 ~~however, if such later election is made, all violations of that municipality's ordinances shall be~~
10 ~~heard and determined before a municipal judge.]~~ Nothing in this subsection shall preclude
11 the transfer or assignment of another judge to hear and determine a case or class of cases
12 when otherwise authorized by provisions of the constitution, law, or court rule. ~~[Nothing in~~
13 ~~this section shall preclude an election made under the provisions of subsection 4 of this~~
14 ~~section.]~~

15 (2) In lieu of electing to have all violations of municipal ordinances heard and
16 determined before an associate circuit court [~~or a county municipal court~~], a city, town, or
17 village may, under subdivision (1) of this subsection, elect to have such court only hear and
18 determine those violations of its municipal ordinances as may be designated on the
19 information by the prosecutor as involving an accused with special needs due to mental
20 disorder or mental illness, as defined by section 630.005, [~~or whose special needs,
21 circumstances, and charges cannot be adequately accommodated by the municipal court of
22 the city, town, or village,~~] provided that the associate circuit court [~~or county municipal court~~]
23 has established specialized dockets or courts to provide such adequate accommodations and
24 resources for specifically handling such matters, such as a mental health court, housing court,
25 domestic violence court, family court, or DWI court, and such associate circuit court [~~or
26 county municipal court~~] accepts such election by consent of the presiding judge [~~or by county
27 contract, as applicable, and further provided that upon a determination by the court that the
28 accused does not have such special needs, the matter shall be transferred back to the
29 municipal court~~].

30 2. If, after January 1, 1980, a municipality elects to have the violations of its
31 municipal ordinances heard and determined by an associate circuit judge, the associate circuit
32 judge or judges shall commence hearing and determining such violations six months after the
33 municipality notifies the presiding judge of the circuit of its election. With the consent of the
34 presiding judge, the associate circuit judge or judges may commence hearing such violations
35 at an earlier date.

36 3. Associate circuit judges of the circuit in which the municipality, or major
37 geographical portion thereof, is located shall hear and determine violations of municipal
38 ordinances of any municipality with a population of under four hundred thousand [~~for which a
39 municipal judge is not provided~~].

40 [~~4. Any city, town or village with a population of less than four hundred thousand
41 located in a county which has created a county municipal court under the provisions of
42 section 66.010 may elect to enter into a contract with the county to have violations of
43 municipal ordinances prosecuted, heard, and determined in the county municipal court. If a
44 contract is entered into under the provisions of this subsection, all violations of that
45 municipality's ordinances shall be heard and determined in the county municipal court. The
46 contract may provide for a transition period after an election is made under the provisions of
47 this subsection.~~]

479.050. The [~~municipal judge or judges, or, in those municipalities where the
2 violations of municipal ordinances are heard and determined by an associate circuit judge, or
3 judges, the~~] associate circuit judge, or judges, may establish a traffic violations bureau in any
4 municipality, and shall establish such a bureau when a request therefor is made by the

5 governing body of the municipality. The traffic violations bureau shall operate under the
6 supervision of the circuit court and those judges regularly hearing and determining municipal
7 ordinance violation cases of the particular municipality and shall be operated in accordance
8 with the rules of the supreme court and the rules of the circuit court. All expenses incident to
9 the operation of the traffic violations bureau, including salaries of clerical personnel, shall be
10 paid by the municipality. The municipality shall provide suitable quarters for the traffic
11 violations bureau; and all fines and costs shall be paid into the municipal treasury; provided,
12 however, that when a municipality's ordinance violation cases are heard and determined by an
13 associate circuit judge, or judges, provision may be made by circuit court rule for a traffic
14 violation bureau to be operated by the staff available to the associate circuit judge and in such
15 case fines and costs shall be paid over and distributed as provided in subsection [2] 1 of
16 section 479.080.

479.060. 1. ~~Where municipal violations are to be tried before a municipal judge or
2 judges, the governing body of the municipality shall provide by ordinance for a clerk or clerks
3 and such other nonjudicial personnel as may be required for the proper functioning of the
4 municipal division or divisions and shall provide a suitable courtroom in which to hold court.
5 The salaries of the judges, clerks and other nonjudicial personnel and other expenses
6 incidental to the operation of the municipal divisions shall be paid by the municipality.~~

7 2.] Where the violations of municipal ordinances are heard and determined by an
8 associate circuit judge and, at the request of the municipality, the associate circuit judge sits at
9 the municipality rather than in the courtroom provided by the county, the municipality shall
10 provide a suitable courtroom in which to hold court.

11 [3-] 2. Where the violations of municipal ordinances are heard and determined by an
12 associate circuit judge and, at the request of the municipality, a clerk or clerks or other
13 nonjudicial personnel are located in the municipality rather than at the courthouse provided
14 by the county, the salaries of such personnel and other expenses incidental to the operation of
15 their offices shall be paid by the municipality.

479.080. 1. ~~In the prosecution of violations of municipal ordinances before a
2 municipal judge, all fines and costs shall be paid to and deposited not less frequently than
3 monthly into the municipal treasury.~~

4 2.] In the prosecution of violations of municipal ordinances before an associate circuit
5 judge, all fines shall be paid to and deposited not less frequently than monthly into the
6 municipal treasury and all court costs shall be accounted for and remitted to the state treasury
7 in the same manner as provided by law for costs in misdemeanor cases.

8 [3-] 2. The supreme court by administrative rule may provide for uniform procedure,
9 and reporting forms for the collection and transmittal of fines and costs. Until modified or
10 otherwise provided by such administrative rule, the ~~[municipal judge, or]~~ associate circuit

11 judge hearing and determining violations of municipal ordinances, shall cause the clerk
12 serving his **or her** division, within the first ten days of every month, to make out a list of all
13 the cases heard or tried before the judge during the preceding month, giving in each case the
14 name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants
15 committed and the cases in which there was an application for trial de novo, respectively.
16 Such clerk or the judge shall verify such lists and statements by affidavit, and file the same
17 forthwith with the clerk of the municipality, who shall lay the same before the governing body
18 or the municipality at its first session thereafter. The official collecting fines shall, within the
19 ten days aforesaid, pay to the municipal treasurer the full amount of all fines collected by him
20 during the preceding month if not previously paid to the municipal treasurer.

479.090. All prosecutions for the violation of municipal ordinances shall be instituted
2 by information and may be based upon a complaint. [~~Proceedings shall be in accordance with~~
3 ~~the supreme court rules governing practice and procedure in proceedings before municipal~~
4 ~~judges~~].

479.100. All warrants issued by [~~a municipal judge, or~~] an associate circuit judge
2 hearing violations of municipal ordinances, shall be directed to the city marshal, chief of
3 police, or any other police officer of the municipality, or to the sheriff of the county. The
4 warrants shall be executed by the marshal, chief of police, police officer or sheriff at any
5 place within the limits of the county, and not elsewhere, unless the warrants are endorsed in
6 the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in
7 other counties, as provided for in warrants in criminal cases.

479.120. It shall be the duty of an attorney designated by the municipality to
2 prosecute the violations of the municipality's ordinances before the [~~municipal judges or~~
3 ~~before the~~] associate circuit judges hearing the violations of that municipality's ordinances.
4 The salary or fees of the attorney and his **or her** necessary expenses incurred in such
5 prosecutions shall be paid by the municipality.

479.150. [~~1-~~] In any municipality, whenever a defendant accused of a violation of a
2 municipal ordinance has a right to a trial by jury and demands such trial by jury, [~~except as~~
3 ~~provided in subsection 2 of this section,~~] the [~~municipal~~] **associate circuit** judge shall certify
4 the case for assignment.

5 [~~2-~~ Any municipality requiring by ordinance that the municipal judge be a licensed
6 attorney and which has a population in excess of one hundred thousand persons which is
7 located in a county of the first class not having a charter form of government and which does
8 not adjoin another first class county may elect by passage of an appropriate municipal
9 ordinance to hear jury cases before the municipal court; provided, such jury cases are heard in
10 accordance with the following procedures:

11 ~~(1) Cases shall be heard with a record being made as required in jury cases before the~~
12 ~~associate circuit court and the trial shall be conducted and the jury selected in accordance with~~
13 ~~procedures applicable before circuit courts;~~

14 ~~(2) In any case tried with a jury in a municipal court under provisions of this~~
15 ~~subsection, appeals may be had upon the record to the appropriate state appellate court, and~~
16 ~~the record for appeal in such cases shall be prepared in accordance with the same rules~~
17 ~~prescribed by the supreme court for trials on the record before associate circuit courts;~~

18 ~~(3) The costs of equipment or stenographic services for jury trials a municipality~~
19 ~~should elect to hold under this section shall be paid by the municipality, except where the~~
20 ~~supreme court has by rule provided for reimbursement by the defendant for the cost of~~
21 ~~transcription, and any person who requests a jury trial shall be responsible for all costs~~
22 ~~incurred in the securing of a jury if such person thereafter waives his right to a jury trial;~~

23 ~~(4) The failure to request a jury trial while the case is pending before the municipal~~
24 ~~court shall be deemed a waiver of the right to a jury trial and after such jury trial there shall be~~
25 ~~no right to a trial de novo in circuit court;~~

26 ~~(5) If the municipal judge is disqualified, the rules for appointment of another~~
27 ~~municipal judge of the city to hear such cases shall apply; provided, however, that in the event~~
28 ~~there is no other municipal judge qualified to hear the case, the case shall be certified for~~
29 ~~assignment.]~~

479.160. 1. It shall be the duty of the **[municipal] associate circuit** judge to summon
2 all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce
3 their attendance by attachment, if necessary. The fees of witnesses shall be the same as those
4 fixed for witnesses in trials before associate circuit judges and shall be taxed as other costs in
5 the case.

6 2. When a trial shall be continued by a **[municipal] associate circuit** judge it shall not
7 be necessary to summon any witnesses who may be present at the continuance; but the
8 **[municipal] associate circuit** judge shall orally notify such witnesses as either party may
9 require to attend before him **or her** on the day set for trial to testify in the case, and enter the
10 names of such witnesses on his docket, which oral notice shall be valid as a summons.

479.162. Notwithstanding any provision of law, supreme court rule, or court
2 operating rule, in a proceeding for a municipal ordinance violation or any other proceeding
3 **[before a municipal court]** if the charge carries the possibility of fifteen days or more in jail or
4 confinement, a defendant shall not be charged any fee for obtaining a police report, probable
5 cause statement, or any video relevant to the traffic stop or arrest. Such police report,
6 probable cause statement, or video shall be provided by the prosecutor upon written request
7 by the defendant for discovery.

479.200. 1. ~~[In any case tried before a municipal judge who is not licensed to practice law in this state, the defendant shall have a right to trial de novo, even from a plea of guilty, before a circuit judge or an associate circuit judge.~~

2.] In any case tried before a ~~[municipal judge who is licensed to practice law in this state or]~~ before an associate circuit judge, except where there has been a plea of guilty or the case has been tried with a jury, the defendant shall have a right of trial de novo before a circuit judge ~~[or upon assignment before an associate circuit judge]~~. An application for a trial de novo shall be filed within ten days after judgment and shall be filed in such form and perfected in such manner as provided by supreme court rule.

~~[3.]~~ 2. In any case tried with a jury before an associate circuit judge a record shall be made and appeals may be had upon that record to the appropriate appellate court.

~~[4.]~~ 3. The supreme court may provide by rule what record shall be kept and may provide that it be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

479.210. In case of a breach of any recognizance entered into before ~~[a municipal judge or]~~ an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge~~[-and in the event of cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge]~~. All moneys recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

479.260. 1. ~~[Municipalities by ordinance may provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020 for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020; provided that, each municipal court may establish a judicial education fund and an appointed counsel fund, each in separate accounts under the control of the municipal court to retain one dollar of the fees collected on each case. The fees collected shall be allocated between the~~

16 ~~two funds as determined by the court. The judicial education fund shall be used only to pay~~
17 ~~for:~~

18 ~~(1) The continuing education and certification required of the municipal judges by~~
19 ~~law or supreme court rule; and~~

20 ~~(2) Judicial education and training for the court administrator and clerks of the~~
21 ~~municipal court.~~

22

23 ~~The appointed counsel fund shall be used only to pay the reasonable fees approved by the~~
24 ~~court for the appointment of an attorney to represent any defendant found by the judge to be~~
25 ~~indigent and unable to pay for legal representation, and where the supreme court rules or the~~
26 ~~law prescribes such appointment. Provided further, that no municipal court shall retain more~~
27 ~~than one thousand five hundred dollars in the judicial education fund for each judge,~~
28 ~~administrator or clerk of the municipal court and no more than five thousand dollars in the~~
29 ~~appointed counsel fund. Any excess funds shall be transmitted quarterly to the general~~
30 ~~revenue fund of the county or municipal treasury.~~

31 ~~2.]~~ In municipal ordinance violation cases which are filed in the associate circuit
32 division of the circuit court, fees shall be assessed in each case in an amount to be set pursuant
33 to sections 488.010 to 488.020. In the event a defendant pleads guilty or is found guilty, the
34 judge shall assess costs against the defendant except in those cases where the defendant is
35 found by the judge to be indigent and unable to pay the costs. In the event a defendant is
36 acquitted or the case is dismissed, the judge shall not assess costs against the municipality.
37 The costs authorized in this subsection are in addition to service charges, witness fees and jail
38 costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The
39 costs provided by this subsection shall be collected by the ~~[municipal division]~~ clerk ~~[in~~
40 ~~municipalities electing or required to have violations of municipal ordinances tried before a~~
41 ~~municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to~~
42 ~~section 479.060,]~~ and disbursed as provided in subsection ~~[2]~~ 1 of section 479.080. Any other
43 court costs required in connection with such cases shall be collected and disbursed as
44 provided in sections 488.010 to 488.020.

45 ~~[3-]~~ 2. A municipality, when filing cases before an associate circuit judge, shall not be
46 required to pay fees.

47 ~~[4-]~~ 3. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
48 municipal ordinance violation case.

49 ~~[5-]~~ 4. In municipal ordinance violation cases, when there is an application for a trial
50 de novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
51 488.020 which shall be assessed in the same manner as provided in subsection ~~[2]~~ 1 of this
52 section.

53 ~~[6.]~~ 5. Municipalities by ordinance may provide for a schedule of costs to be paid in
54 connection with pleas of guilty which are processed in a traffic violations bureau. ~~[If a~~
55 ~~municipality files its municipal ordinance violation cases before a municipal judge, such costs~~
56 ~~shall not exceed the court costs authorized by subsection 1 of this section.]~~ If a municipality
57 files its municipal ordinance violations cases in the associate circuit division of the circuit
58 court, such costs shall not exceed the court costs authorized by subsection ~~[2]~~ 1 of this
59 section.

 479.356. If a person fails to pay court costs, fines, fees, or other sums ordered by a
2 ~~[municipal]~~ court, to be paid to the state or political subdivision, a ~~[municipal]~~ court may
3 report any such delinquencies in excess of twenty-five dollars to the director of the
4 department of revenue and request that the department seek a setoff of an income tax refund
5 as provided by sections 143.782 to 143.788. The department shall promulgate rules necessary
6 to effectuate the purpose of the offset program.

 479.359. 1. Every county, city, town, and village shall annually calculate the
2 percentage of its annual general operating revenue received from fines, bond forfeitures, and
3 court costs for municipal ordinance violations and minor traffic violations, including
4 amended charges for any municipal ordinance violations and minor traffic violations, whether
5 the violation was prosecuted in ~~[municipal court,]~~ associate circuit court~~[,]~~ or circuit court,
6 occurring within the county, city, town, or village. If the percentage is more than thirty
7 percent, the excess amount shall be sent to the director of the department of revenue. The
8 director of the department of revenue shall set forth by rule a procedure whereby excess
9 revenues as set forth in this section shall be sent to the department of revenue. The
10 department of revenue shall distribute these moneys annually to the schools of the county in
11 the same manner that proceeds of all fines collected for any breach of the penal laws of this
12 state are distributed.

13 2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section
14 shall be reduced from thirty percent to twenty percent, unless any county, city, town, or
15 village has a fiscal year beginning on any date other than January first, in which case the
16 reduction shall begin on the first day of the immediately following fiscal year except that any
17 county with a charter form of government and with more than nine hundred fifty thousand
18 inhabitants and any city, town, or village with boundaries found within such county shall be
19 reduced from thirty percent to twelve and one-half percent.

20 ~~[3. An addendum to the annual financial report submitted to the state auditor under~~
21 ~~section 105.145 by the county, city, town, or village that has chosen to have a municipal court~~
22 ~~division shall contain an accounting of:~~

23 ~~(1) Annual general operating revenue as defined in section 479.350;~~

24 ~~(2) The total revenues from fines, bond forfeitures, and court costs for municipal~~
25 ~~ordinance violations and minor traffic violations occurring within the county, city, town, or~~
26 ~~village, including amended charges from any municipal ordinance violations and minor~~
27 ~~traffic violations;~~

28 ~~(3) The percent of annual general operating revenue from fines, bond forfeitures, and~~
29 ~~court costs for municipal ordinance violations and minor traffic violations occurring within~~
30 ~~the county, city, town, or village, including amended charges from any charged municipal~~
31 ~~ordinance violations and minor traffic violation, charged in the municipal court of that county,~~
32 ~~city, town, or village; and~~

33 ~~(4) Said addendum shall be certified and signed by a representative with knowledge~~
34 ~~of the subject matter as to the accuracy of the addendum contents, under oath and under the~~
35 ~~penalty of perjury, and witnessed by a notary public.~~

36 ~~4. On or before December 31, 2015, the state auditor shall set forth by rule a~~
37 ~~procedure for including the addendum information required by this section. The rule shall~~
38 ~~also allow reasonable opportunity for demonstration of compliance without unduly~~
39 ~~burdensome calculations.]~~

479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en
2 banc, may establish a traffic court, which shall be a division of the circuit court, and may
3 authorize the appointment of not more than three [municipal] judges who shall be known as
4 traffic judges. The traffic judges shall be appointed by a traffic court judicial commission
5 consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge
6 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges
7 of the circuit, and two members appointed by the county executive of St. Louis County, each
8 of whom shall represent one of the two political parties casting the highest number of votes at
9 the next preceding gubernatorial election. The procedures and operations of the traffic court
10 judicial commission shall be established by circuit court rule.

11 2. Traffic judges may be authorized to act as commissioners to hear in the first
12 instance nonfelony violations of state law involving motor vehicles, and such other offenses
13 as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the
14 first instance violations of county and municipal ordinances involving motor vehicles, and
15 other county ordinance violations, as provided by circuit court rule.

16 3. ~~[In the event that a county municipal court is established pursuant to section 66.010~~
17 ~~which takes jurisdiction of county ordinance violations the circuit court may then authorize~~
18 ~~the appointment of no more than two traffic judges authorized to hear municipal ordinance~~
19 ~~violations other than county ordinance violations, and to act as commissioner to hear in the~~
20 ~~first instance nonfelony violations of state law involving motor vehicles, and such other~~
21 ~~offenses as may be provided by rule. These traffic court judges also may be authorized to act~~

22 as commissioners to hear in the first instance petitions to review decisions of the department
23 of revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior
24 to January 1, 2002, pursuant to sections 302.535 and 302.750.

25 4.] After January 1, 2002, traffic judges~~[, in addition to the authority provided in~~
26 ~~subsection 3 of this section,]~~ may be authorized by local court rule adopted pursuant to
27 Article V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections
28 302.535, 302.574, and 302.750, subject to procedures that preserve a meaningful hearing
29 before a judge of the circuit court, as follows:

30 (1) Conduct the initial call docket and accept uncontested dispositions of petitions to
31 review;

32 (2) The petitioner shall have the right to the de novo hearing before a judge of the
33 circuit court, except that, at the option of the petitioner, traffic judges may hear in the first
34 instance such petitions for review.

35 ~~[5.]~~ 4. In establishing a traffic court, the circuit may be divided into such sectors as
36 may be established by a majority of the circuit and associate circuit judges, en banc. The
37 traffic court in each sector shall hear those cases arising within the territorial limits of the
38 sector unless a case arising within another sector is transferred as provided by operating
39 procedures.

40 ~~[6.]~~ 5. Traffic judges shall be licensed to practice law in this state and shall serve at
41 the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be
42 residents of St. Louis County, and shall receive from the state as annual compensation an
43 amount equal to one-third of the annual compensation of an associate circuit judge. Each
44 judge shall devote approximately one-third of his working time to the performance of his
45 duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law
46 which are inconsistent with their duties as a traffic judge and shall not be a judge or
47 prosecutor for any other court. Traffic judges shall not be considered state employees and
48 shall not be members of the state employees' or judicial retirement system or be eligible to
49 receive any other employment benefit accorded state employees or judges.

50 ~~[7.]~~ 6. A majority of the judges, en banc, shall establish operating procedures for the
51 traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for
52 Saturday or other sessions as efficient operation and convenience to the public may require.
53 Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to
54 this section, shall be conducted as provided in supreme court rule 37. The hearing shall be
55 before a traffic judge without jury, and the judge shall assume an affirmative duty to
56 determine the merits of the evidence presented and the defenses of the defendant and may
57 question parties and witnesses. In the event a jury trial is requested, the cause shall be

58 certified to the circuit court for trial by jury as otherwise provided by law. Clerks and
59 computer personnel shall be assigned as needed for the efficient operation of the court.

60 ~~[8.]~~ 7. In establishing operating procedure, provisions shall be made for appropriate
61 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by
62 telephone or written communication without personal appearance, or to plead guilty and
63 deliver by mail or electronic transfer or other approved method the specified amount of the
64 fine and costs as otherwise provided by law, within a specified period of time.

65 ~~[9.]~~ 8. Operating procedures shall be provided for electronic recording of
66 proceedings, except that if adequate recording equipment is not provided at county
67 expense, then, in that event, a person aggrieved by a judgment of a traffic judge or
68 commissioner shall have the right of a trial de novo. The procedures for perfecting the right
69 of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except
70 that the provisions of subsection 2 of section 512.180 shall not apply to such cases.

71 ~~[10. The circuit court shall only have the authority to appoint two commissioners with
72 the jurisdiction provided in subsection 3 of this section.]~~

73 ~~11. All costs to establish and operate a county municipal court under section 66.010
74 and this section shall be borne by such county.]~~

483.241. 1. Deputy circuit clerks shall constitute the clerical staff of the circuit clerk
2 to perform those duties for which the circuit clerk has general administrative control.

3 2. Division clerks shall constitute the clerical staff of the circuit court to perform the
4 recordkeeping functions of the circuit court for which the circuit clerk does not have general
5 administrative control, except with respect to records in cases while they pend in ~~[municipal
6 divisions or in]~~ a traffic violations bureau maintained by a municipality. Division clerks shall
7 be under the administrative control of the judge who appoints them.

8 ~~[3. Municipal clerks shall constitute the clerical staff of the circuit court to perform
9 the recordkeeping functions in the municipal divisions.]~~

10 ~~4. Municipal clerks shall perform the clerical functions in the traffic violation bureaus
11 in those municipalities which have a municipal judge or judges. Clerical personnel of the
12 municipality shall perform the clerical functions of the traffic violation bureaus in those
13 municipalities which have no municipal judges.]~~

483.550. 1. Each circuit clerk, or person fulfilling the duties of the circuit clerk
2 pursuant to this chapter, however denominated, shall charge, collect, and be the responsible
3 clerk for every court cost accruing to such clerk's office to which such clerk may be entitled
4 under the law, except that the circuit clerk shall not be accountable or responsible for or under
5 a duty to collect the following court costs:

6 (1) Court costs in a case pending in the probate division of the circuit court;

7 (2) ~~[Court costs in a case while it pends in a municipal division of the circuit court, in~~
8 ~~municipalities electing or required to have violations of municipal ordinances tried before a~~
9 ~~municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to~~
10 ~~section 479.060;~~

11 ~~(3)~~ Court costs in a case which was originally filed and pends before an associate
12 circuit judge; provided, however, that such exception with respect to cases filed and pending
13 before an associate circuit judge shall not apply (a) in the city of St. Louis and (b) when by
14 local circuit court rule it is provided that cases which are to be heard by associate circuit
15 judges shall be centrally filed and final judgments therein maintained in an office which is
16 operated and staffed by the circuit clerk and such clerk's deputies.

17 2. Each chief division clerk for the probate division of the circuit court shall charge
18 and collect every court cost accruing to the probate division of the circuit court to which it
19 may be entitled under the law.

20 3. In divisions presided over by associate circuit judges for which the circuit clerk is
21 not responsible for collecting court costs as hereinabove provided, the associate circuit judge
22 shall designate by order entered of record a division clerk who shall be responsible for the
23 collection of all court costs with respect to cases in the division; or if there be a centralized
24 filing and docketing system for two or more divisions presided over by an associate circuit
25 judge, then a division clerk or clerks shall be designated in accordance with the provisions of
26 local circuit court rule by an order which shall be entered of record, and if there be no such
27 rule adopted, then a majority of the associate circuit judges being served shall designate a
28 division clerk or clerks who shall be responsible for the collection of all court costs with
29 respect to cases in the divisions served by the centralized filing and docketing system.

30 4. Notwithstanding the provisions of subsections 1, 2 and 3 of this section, by vote of
31 all judges, circuit and associate circuit, of a circuit court, en banc, the circuit court may adopt
32 a system by local circuit rule whereby the circuit clerks within the circuit shall have
33 administrative control over and be responsible for the charging and collection of all court
34 costs accruing to the court ~~[other than court costs in a case while it pends in the municipal~~
35 ~~divisions of the circuit court, in municipalities electing or required to have violations of~~
36 ~~municipal ordinances tried before a municipal judge pursuant to section 479.020, or to~~
37 ~~employ judicial personnel pursuant to section 479.060].~~ The chief division clerk for the
38 probate divisions of the circuit court may be designated by the local circuit rule to charge and
39 collect every court cost accruing to the probate divisions of the circuit court to which it may
40 be entitled under the law, under the supervision of the circuit clerk.

41 5. The responsible clerks shall make periodic reports of delinquent court costs which
42 are due at such times and in such form as may be required by the state courts administrator.

43 6. It shall be the duty of each prosecuting attorney when such be referred to such
44 prosecuting attorney by the responsible clerk to reasonably attempt to collect such delinquent
45 court costs. In the case of delinquent court costs which are payable to the state, it shall be the
46 duty of each prosecuting attorney, and the attorney general when such be referred to the
47 attorney general by the state courts administrator to reasonably attempt to collect such
48 delinquent court costs.

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

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

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

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

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

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

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

17 (5) Seven dollars for the statewide court automation fund, pursuant to section
18 488.027;

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

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

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

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

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

29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
30 483.530;

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

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

35 (14) Forty-five dollars for applications for trial de novo from small claims court and
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section
37 483.530;

38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
39 483.535;

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

42 (a) Less than \$10,000 \$ 75.00

43 (b) From \$10,000 to \$25,000 115.00

44 (c) From \$25,000 to \$50,000 155.00

45 (d) From \$50,000 to \$100,000 245.00

46 (e) From \$100,000 to \$500,000 305.00

47 (f) More than \$500,000 365.00;

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

50 (18) In proceedings regarding guardianships and conservatorships, pursuant to
51 section 483.580:

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

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

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

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

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

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

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

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

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

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

- 68 (c) Thirty dollars for proceedings to determine heirship;
 69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
 70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident
 71 conservator;
 72 (f) Forty dollars for proceedings to dispense with administration;
 73 (g) Twenty dollars for proceedings to dispense with conservatorship;
 74 (h) Twenty-five dollars for admitting a will to probate;
 75 (i) One dollar per copied page and one dollar and fifty cents per certificate;
 76 (21) One dollar and fifty cents per page for testimony transcription, pursuant to
 77 section 488.2250;
 78 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;
 79 (23) Three dollars for witness fees per day, and four dollars when the witness must
 80 travel to another county, pursuant to section 491.280.

488.014. No court of record in this state~~[, municipal division of the circuit court,]~~ or
 2 any entity collecting court costs on their behalf shall be required to refund any overpayment
 3 of court costs in an amount not exceeding five dollars or to collect any due court costs in an
 4 amount of less than five dollars. Any such overpaid funds may be retained by the county for
 5 the operation of the circuit court~~[, except any overpaid funds owed to a municipal division of~~
 6 ~~the circuit court may be retained by the municipality for the operation of the municipal court].~~

488.607. The governing body of any county or any city having a shelter for victims of
 2 domestic violence established pursuant to sections 455.200 to 455.230, or any municipality
 3 within a county which has such shelter, or any county or municipality whose residents are
 4 victims of domestic violence and are admitted to such shelters in another county, may, by
 5 order or ordinance provide for an additional surcharge in an amount of up to four dollars per
 6 case for each criminal case, including violations of any county or municipal ordinance. No
 7 surcharge shall be collected in any proceeding when the proceeding or defendant has been
 8 dismissed by the court or when costs are to be paid by the state, county or municipality. Such
 9 surcharges collected by ~~[municipal]~~ clerks ~~[in municipalities electing or required to have~~
 10 ~~violations of municipal ordinances tried before a municipal judge pursuant to section~~
 11 ~~479.020, or to employ judicial personnel pursuant to section 479.060,]~~ shall be disbursed to
 12 the city at least monthly, and such surcharges collected by circuit court clerks shall be
 13 collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be
 14 payable to the city or county wherein such fees originated. The county or city shall use such
 15 moneys only for the purpose of providing operating expenses for shelters for battered persons
 16 as defined in sections 455.200 to 455.230.

488.2210. 1. In addition to all other court costs for municipal ordinance violations,
 2 any city not within a county may provide for additional court costs in an amount up to twenty

3 dollars per each case for each municipal ordinance violation case filed before ~~[a municipal~~
4 ~~division judge or]~~ **an** associate circuit judge.

5 2. The judge may waive the assessment of the cost in those cases where the defendant
6 is found by the judge to be indigent and unable to pay the cost.

7 3. Such cost shall be collected by the clerk and disbursed to the city at least monthly.

488.2215. 1. In addition to all other court costs for municipal ordinance violations
2 any city not within a county may provide for additional court costs in an amount up to five
3 dollars per case for each municipal ordinance violation case filed before ~~[a municipal division~~
4 ~~judge or]~~ **an** associate circuit judge.

5 2. The judge may waive the assessment of the cost in those cases where the defendant
6 is found by the judge to be indigent and unable to pay the costs.

7 3. Such cost shall be collected by the clerk and disbursed to the city at least monthly.

8 The city shall use such additional costs only for the restoration, maintenance and upkeep of
9 the ~~[municipal]~~ courthouses. The costs collected may be pledged to directly or indirectly
10 secure bonds for the cost of restoration, maintenance and upkeep of the courthouses.

488.2220. 1. In addition to all other court costs for municipal ordinance violations
2 any home rule city with more than four hundred thousand inhabitants and located in more
3 than one county and any home rule city with more than one hundred fifty-one thousand five
4 hundred but fewer than one hundred fifty-one thousand six hundred inhabitants may provide
5 for additional court costs in an amount up to five dollars per case for each municipal
6 ordinance violation case filed before ~~[a municipal division judge or]~~ **an** associate circuit
7 judge.

8 2. The judge may waive the assessment of the cost in those cases where the defendant
9 is found by the judge to be indigent and unable to pay the costs.

10 3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly.
11 The city shall use such additional costs only for the procurement, installation, maintenance,
12 consulting services, and upkeep of a court information and records management system.

488.2235. 1. In addition to all other court costs for municipal ordinance violations,
2 any home rule city with more than four hundred thousand inhabitants and located in more
3 than one county may provide for additional court costs in an amount up to five dollars per
4 case for each municipal ordinance violation case filed before ~~[a municipal division judge or]~~
5 **an** associate circuit judge.

6 2. The judge may waive the assessment of the cost in those cases where the defendant
7 is found by the judge to be indigent and unable to pay the costs.

8 3. Such cost shall be collected by the clerk and disbursed to the city at least monthly.

9 The city shall use such additional costs only for the restoration, maintenance and upkeep of

10 the ~~[municipal]~~ courthouse. The costs collected may be pledged to directly or indirectly
11 secure bonds for the cost of restoration, maintenance and upkeep of the courthouse.

12 4. The provisions of this section shall expire August 28, 2026.

488.2245. 1. In addition to all other court costs for municipal ordinance violations,
2 any home rule city with more than fifty-two thousand but fewer than sixty-four thousand
3 inhabitants and located in any county with a charter form of government and with more than
4 nine hundred fifty thousand inhabitants may provide for additional court costs in an amount
5 up to ten dollars per case for each municipal ordinance violation case filed before ~~[a~~
6 ~~municipal division judge or]~~ **an** associate circuit judge.

7 2. Such cost shall be collected by the clerk and disbursed to the city at least monthly.
8 The city shall use such additional costs only for the land assemblage and purchase,
9 construction, maintenance, and upkeep of a ~~[municipal]~~ courthouse. The costs collected may
10 be pledged to directly or indirectly secure bonds for the cost of land assemblage and purchase,
11 construction, maintenance, and upkeep of the courthouse.

488.5336. 1. A surcharge of two dollars may be assessed as costs in each criminal
2 case involving violations of any county ordinance or a violation of any criminal or traffic laws
3 of the state, including infractions, or violations of municipal ordinances, provided that no
4 such fee shall be collected in any proceeding in any court when the proceeding or defendant
5 has been dismissed by the court or when costs are to be paid by the state, county or
6 municipality. For violations of the general criminal laws of the state or county ordinances, no
7 such surcharge shall be collected unless it is authorized by the county government where the
8 violation occurred. For violations of municipal ordinances, no such surcharge shall be
9 collected unless it is authorized by the municipal government where the violation occurred. If
10 imposed by a municipality, such surcharges shall be collected by the clerk of the ~~[municipal]~~
11 court responsible for collecting court costs and fines and shall be transmitted monthly to the
12 treasurer of the municipality where the violation occurred in cases of violations of municipal
13 ordinances. If imposed by a county, such surcharges shall be collected and disbursed as
14 provided in sections 488.010 to 488.020. Such surcharges shall be payable to the treasurer of
15 the county where the violation occurred in the case of violations of the general criminal laws
16 of the state or county ordinances. Without regard to whether the aforementioned surcharge is
17 assessed, a surcharge in the amount of one dollar shall be assessed as provided in this section,
18 and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable
19 to the state treasury to the credit of the peace officer standards and training commission fund
20 created in section 590.178. Such surcharges shall be in addition to the court costs and fees
21 and limits on such court costs and fees established by section 66.110 and section 479.260.

22 2. Each county and municipality shall use all funds received under this section only to
23 pay for the training required as provided in sections 590.100 to 590.180 or for the training of

24 county coroners and their deputies provided that any excess funds not allocated to pay for
25 such training may be used to pay for additional training of peace officers or for training of
26 other law enforcement personnel employed or appointed by the county or municipality. No
27 county or municipality shall retain more than one thousand five hundred dollars of such funds
28 for each certified law enforcement officer, candidate for certification employed by that
29 agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted
30 quarterly to the general revenue fund of the county or municipality treasury which assessed
31 the costs.

492.430. A commission shall be granted to take such depositions by any judge of the
2 supreme court, the court of appeals, or of any circuit court~~[, except a municipal judge,]~~ on the
3 presentation of a petition, in writing, of one or more parties, supported by his or their
4 affidavit, or the affidavit of some credible person, setting forth the nature of his or their
5 interest, right or claim, the facts intended to be proved, the names of the individuals whose
6 testimony is desired, and the place or places of their residence.

506.010. This code shall be known and cited as "The Civil Code of Missouri" and
2 shall govern the procedure in the supreme court, court of appeals, and divisions of the circuit
3 court in all suits and proceedings of a civil nature whether cognizable as cases at law or in
4 equity, unless otherwise provided by law. It shall be construed to secure the just, speedy and
5 inexpensive determination of every action. Such code shall not apply, however, to the
6 practice and procedure before a circuit or associate circuit judge in the small claims court ~~[or~~
7 ~~the municipal division of the circuit court]~~ except to the extent that such provisions are
8 otherwise specifically made applicable.

512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury
2 before an associate circuit judge, other than an associate circuit judge sitting in the probate
3 division or who has been assigned to hear the case on the record under procedures applicable
4 before circuit judges, shall have the right of a trial de novo in all cases tried ~~[before municipal~~
5 ~~court or]~~ under the provisions of chapter 482 or 535.

2. In all other contested civil cases tried with or without a jury before an associate
7 circuit judge or on assignment under such procedures applicable before circuit judges or in
8 any misdemeanor case or county ordinance violation case a record shall be kept, and any
9 person aggrieved by a judgment rendered in any such case may have an appeal upon that
10 record to the appropriate appellate court. At the discretion of the judge, but in compliance
11 with the rules of the Supreme Court, the record may be a stenographic record or one made by
12 the utilization of electronic, magnetic, or mechanical sound or video recording devices.

532.020. Application for the writ shall be made by petition, signed by the party for
2 whose relief it is intended, or by some person in his behalf, to some court of record, or to any
3 judge thereof ~~[other than a municipal judge]~~. The petition shall be verified by the oath of the

4 applicant, or some other competent person and shall state in substance by whom the party for
5 whom the relief is prayed is imprisoned or restrained of his liberty, and the place where,
6 naming both parties, if their names are known, or describing them if they are not, all the facts
7 concerning the imprisonment or restraint, and the true cause thereof, to the best of the
8 knowledge and belief of the party, and that no application for the relief sought has been made
9 to or refused by any court, officer or officers, superior to the one to whom the petition is
10 presented; and, if the imprisonment is alleged to be illegal, the petition also shall state in what
11 the illegality consists.

532.030. When a person applies for the benefit of this chapter, who is held in custody
2 on a charge of crime or misdemeanor, his application, in the first instance, shall be to a judge
3 of the circuit court for the county in which the applicant is held in custody~~[-other than a~~
4 ~~municipal judge]~~; and upon every application of the kind aforesaid, the applicant shall cause
5 reasonable notice of the time and place of making the application to be given to the circuit or
6 prosecuting attorney for the county in which the application is to be made, if at the time
7 thereof such attorney be in the county, and upon such notice, it shall be the duty of such
8 attorney to attend upon the hearing of such application on behalf of the state.

543.270. When a fine is assessed by ~~[a municipal judge,]~~ **an** associate circuit judge~~[-]~~
2 or circuit judge, it shall be within his or her discretion to provide for the payment of the fine
3 on an installment basis under such terms and conditions as he or she may deem appropriate.
4 In no event shall the recovery of costs incurred by a municipality or county for the detention,
5 imprisonment, or holding of any person be the subject of any condition of probation, nor shall
6 the failure to pay such costs be the sole basis for the issuance of a warrant.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any
2 political subdivision of this state, any authorized agent of the department of conservation, any
3 commissioned member of the Missouri capitol police, any college or university police officer,
4 and any commissioned member of the Missouri state park rangers in fresh pursuit of a person
5 who is reasonably believed by such officer to have committed a felony in this state or who has
6 committed, or attempted to commit, in the presence of such officer or agent, any criminal
7 offense or violation of a municipal or county ordinance, or for whom such officer holds a
8 warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody
9 such person anywhere in this state. Fresh pursuit may only be initiated from within the
10 pursuing peace officer's, conservation agent's, capitol police officer's, college or university
11 police officer's, or state park ranger's jurisdiction and shall be terminated once the pursuing
12 peace officer is outside of such officer's jurisdiction and has lost contact with the person being
13 pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the
14 violator had been apprehended in the municipality or county in which the offense occurred.

15 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner
16 shall be made as in other cases of arrest under a warrant; if the violator is served with a
17 uniform traffic ticket, the violator shall be directed to appear before a court having
18 jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken
19 forthwith before a judge of a court with original criminal jurisdiction in the county wherein
20 such arrest was made [~~or before a municipal judge thereof having original jurisdiction to try~~
21 ~~such offense~~], who may release the person as provided in section 544.455, conditioned upon
22 such person's appearance before the court having jurisdiction to try the offense. The person
23 so arrested need not be taken before a judge as herein set out if given a summons by the
24 arresting officer.

25 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
26 defined by the common law and also the pursuit of a person who has committed a felony or is
27 reasonably suspected of having committed a felony in this state, or who has committed or
28 attempted to commit in this state a criminal offense or violation of municipal or county
29 ordinance in the presence of the arresting officer referred to in subsection 1 of this section or
30 for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the
31 pursuit of a person suspected of having committed a supposed felony in this state, though no
32 felony has actually been committed, if there is reasonable ground for so believing. "Fresh
33 pursuit" as used herein shall imply instant pursuit.

34 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the
35 safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following
36 minimum standards:

37 (1) There shall be supervisory control of the pursuit;

38 (2) There shall be procedures for designating the primary pursuit vehicle and for
39 determining the total number of vehicles to be permitted to participate at one time in the
40 pursuit;

41 (3) There shall be procedures for coordinating operation with other jurisdictions; and

42 (4) There shall be guidelines for determining when the interests of public safety and
43 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not
44 be initiated or should be terminated.

544.455. 1. Any person charged with a bailable offense, at his or her appearance
2 before an associate circuit judge or judge may be ordered released pending trial, appeal, or
3 other stage of the proceedings against him on his personal recognizance, unless the associate
4 circuit judge or judge determines, in the exercise of his discretion, that such a release will not
5 reasonably assure the appearance of the person as required. When such a determination is
6 made, the associate circuit judge or judge may either in lieu of or in addition to the above

7 methods of release, impose any or any combination of the following conditions of release
8 which will reasonably assure the appearance of the person for trial:

9 (1) Place the person in the custody of a designated person or organization agreeing to
10 supervise him;

11 (2) Place restriction on the travel, association, or place of abode of the person during
12 the period of release;

13 (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit
14 of cash in lieu thereof;

15 (4) Require the person to report regularly to some officer of the court, or peace
16 officer, in such manner as the associate circuit judge or judge directs;

17 (5) Require the execution of a bond in a given sum and the deposit in the registry of
18 the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or
19 negotiable bonds of the United States or of the state of Missouri or any political subdivision
20 thereof;

21 (6) Place the person on house arrest with electronic monitoring; except that all costs
22 associated with the electronic monitoring shall be charged to the person on house arrest. If
23 the judge finds the person unable to afford the costs associated with electronic monitoring, the
24 judge may order that the person be placed on house arrest with electronic monitoring if the
25 county commission agrees to pay from the general revenue of the county the costs of such
26 monitoring. If the person on house arrest is unable to afford the costs associated with
27 electronic monitoring and the county commission does not agree to pay the costs of such
28 electronic monitoring, the judge shall not order that the person be placed on house arrest with
29 electronic monitoring;

30 (7) Impose any other condition deemed reasonably necessary to assure appearance as
31 required, including a condition requiring that the person return to custody after specified
32 hours.

33 2. In determining which conditions of release will reasonably assure appearance, the
34 associate circuit judge or judge shall, on the basis of available information, take into account
35 the nature and circumstances of the offense charged, the weight of the evidence against the
36 accused, the accused's family ties, employment, financial resources, character and mental
37 condition, the length of his residence in the community, his record of convictions, and his
38 record of appearance at court proceedings or flight to avoid prosecution or failure to appear at
39 court proceedings.

40 3. An associate circuit judge or judge authorizing the release of a person under this
41 section shall issue an appropriate order containing a statement of the conditions imposed, if
42 any, shall inform such person of the penalties applicable to violations of the conditions of his

43 release and shall advise him that a warrant for his arrest will be issued immediately upon any
44 such violation.

45 4. A person for whom conditions of release are imposed and who after twenty-four
46 hours from the time of the release hearing continues to be detained as a result of his inability
47 to meet the conditions of release, shall, upon application, be entitled to have the condition
48 reviewed by the associate circuit judge or judge who imposed them. The motion shall be
49 determined promptly.

50 5. An associate circuit judge or judge ordering the release of a person on any
51 condition specified in this section may at any time amend his order to impose additional or
52 different conditions of release; except that, if the imposition of such additional or different
53 conditions results in the detention of the person as a result of his inability to meet such
54 conditions or in the release of the person on a condition requiring him to return to custody
55 after specified hours, the provisions of subsection 4 of this section shall apply.

56 6. Information stated in, or offered in connection with, any order entered pursuant to
57 this section need not conform to the rules pertaining to the admissibility of evidence in a court
58 of law.

59 7. Nothing contained in this section shall be construed to prevent the disposition of
60 any case or class of cases by forfeiture of collateral security where such disposition is
61 authorized by the court.

62 8. ~~[Persons charged with violations of municipal ordinances may be released by a
63 municipal judge or other judge who hears and determines municipal ordinance violation cases
64 of the municipality involved under the same conditions and in the same manner as provided in
65 this section for release by an associate circuit judge.~~

66 9.] A circuit court may adopt a local rule authorizing the pretrial release on electronic
67 monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration
68 of individuals charged with offenses specifically identified therein.

544.490. Whenever any person shall be committed to jail on a warrant of
2 commitment by any associate circuit judge for an offense for which he may be released as
3 provided in section 544.455, the recognizance or other condition for release may be taken by
4 a circuit judge or an associate circuit judge who has been specially assigned for such purpose,
5 and in case of the absence of any such judge from the county, such recognizance or condition
6 for release may be taken by any judge of the circuit court ~~[except a municipal judge].~~

548.011. Where appearing in this chapter:

2 (1) The term "executive authority" includes the governor, and any person performing
3 the functions of governor in a state other than this state;

4 (2) The term "governor" includes any person performing the functions of governor by
5 authority of the law of this state;

6 (3) The terms "judge", "magistrate", and "judge of any court of record" include a
 7 judge of the supreme court or of the court of appeals, a circuit judge, and an associate circuit
 8 judge~~[-but do not include a municipal judge];~~

9 (4) The term "state", referring to a state other than this state, includes any other state
 10 or territory, organized or unorganized, of the United States of America.

559.607. 1. Judges ~~[of the municipal division]~~ in any circuit, acting through a chief
 2 or presiding judge, either may contract with a private or public entity or may employ any
 3 qualified person to serve as the city's probation officer to provide probation and rehabilitation
 4 services for persons placed on probation for violation of any ordinance of the city, specifically
 5 including the offense of operating or being in physical control of a motor vehicle while under
 6 the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be
 7 required to pay for any part of the cost of probation and rehabilitation services authorized
 8 under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance
 9 violations and placed on probation ~~[by municipal or city court judges]~~ shall contribute a
 10 service fee to the court in the amount set forth in section 559.604 to pay the cost of their
 11 probation supervision provided by a probation officer employed by the court or by a contract
 12 probation officer as provided for in section 559.604.

13 2. When approved by ~~[municipal]~~ court judges ~~[in the municipal division]~~, the
 14 application, judicial order of approval, and the contract shall be forwarded to and filed with
 15 the division of probation and parole. The court-approved private or public entity or probation
 16 officer employed by the court shall then function as the probation office for the city, pursuant
 17 to the terms of the contract or conditions of employment and the terms of probation ordered
 18 by the judge. Any city in this state which presently does not have probation services available
 19 for persons convicted of its ordinance violations, or that contracts out those services with a
 20 private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract
 21 with and continue to contract with a private entity or employ any qualified person and
 22 contract with the ~~[municipal]~~ division to provide such probation supervision and
 23 rehabilitation services.

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate
 4 occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
 6 where at least one of the intoxication-related traffic offenses is an offense committed in
 7 violation of any state law, county or municipal ordinance, any federal offense, or any military
 8 offense in which the defendant was operating a vehicle while intoxicated and another person
 9 was injured or killed;

- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
- 11 (a) Three or more intoxication-related boating offenses; or
- 12 (b) Two or more intoxication-related boating offenses committed on separate
- 13 occasions where at least one of the intoxication-related boating offenses is an offense
- 14 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 15 or any military offense in which the defendant was operating a vessel while intoxicated and
- 16 another person was injured or killed;
- 17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively
- 18 for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less,
- 19 traveling on three, four or more nonhighway tires, with either:
- 20 (a) A seat designed to be straddled by the operator, or with a seat designed to carry
- 21 more than one person, and handlebars for steering control; or
- 22 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire
- 23 rim, regardless of seating or steering arrangement;
- 24 (4) "Court", any circuit~~;~~ **or** associate circuit~~, or municipal court~~, including traffic
- 25 court, but not any juvenile court or treatment court;
- 26 (5) "Chronic offender", a person who has been found guilty of:
- 27 (a) Four or more intoxication-related traffic offenses committed on separate
- 28 occasions; or
- 29 (b) Three or more intoxication-related traffic offenses committed on separate
- 30 occasions where at least one of the intoxication-related traffic offenses is an offense
- 31 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 32 or any military offense in which the defendant was operating a vehicle while intoxicated and
- 33 another person was injured or killed; or
- 34 (c) Two or more intoxication-related traffic offenses committed on separate occasions
- 35 where both intoxication-related traffic offenses were offenses committed in violation of any
- 36 state law, county or municipal ordinance, any federal offense, or any military offense in which
- 37 the defendant was operating a vehicle while intoxicated and another person was injured or
- 38 killed;
- 39 (6) "Chronic boating offender", a person who has been found guilty of:
- 40 (a) Four or more intoxication-related boating offenses; or
- 41 (b) Three or more intoxication-related boating offenses committed on separate
- 42 occasions where at least one of the intoxication-related boating offenses is an offense
- 43 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 44 or any military offense in which the defendant was operating a vessel while intoxicated and
- 45 another person was injured or killed; or

46 (c) Two or more intoxication-related boating offenses committed on separate
47 occasions where both intoxication-related boating offenses were offenses committed in
48 violation of any state law, county or municipal ordinance, any federal offense, or any military
49 offense in which the defendant was operating a vessel while intoxicated and another person
50 was injured or killed;

51 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or
52 transdermal alcohol concentration levels and tampering attempts at least once every hour,
53 regardless of the location of the person who is being monitored, and regularly transmitting the
54 data. Continuous alcohol monitoring shall be considered an electronic monitoring service
55 under subsection 3 of section 217.690;

56 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I
57 to V listed in section 195.017;

58 (9) "Drive", "driving", "operates" or "operating", physically driving or operating a
59 vehicle or vessel;

60 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and
61 flight navigators;

62 (11) "Habitual offender", a person who has been found guilty of:

63 (a) Five or more intoxication-related traffic offenses committed on separate
64 occasions; or

65 (b) Four or more intoxication-related traffic offenses committed on separate
66 occasions where at least one of the intoxication-related traffic offenses is an offense
67 committed in violation of any state law, county or municipal ordinance, any federal offense,
68 or any military offense in which the defendant was operating a vehicle while intoxicated and
69 another person was injured or killed; or

70 (c) Three or more intoxication-related traffic offenses committed on separate
71 occasions where at least two of the intoxication-related traffic offenses were offenses
72 committed in violation of any state law, county or municipal ordinance, any federal offense,
73 or any military offense in which the defendant was operating a vehicle while intoxicated and
74 another person was injured or killed;

75 (12) "Habitual boating offender", a person who has been found guilty of:

76 (a) Five or more intoxication-related boating offenses; or

77 (b) Four or more intoxication-related boating offenses committed on separate
78 occasions where at least one of the intoxication-related boating offenses is an offense
79 committed in violation of any state law, county or municipal ordinance, any federal offense,
80 or any military offense in which the defendant was operating a vessel while intoxicated and
81 another person was injured or killed; or

82 (c) Three or more intoxication-related boating offenses committed on separate
83 occasions where at least two of the intoxication-related boating offenses were offenses
84 committed in violation of any state law, county or municipal ordinance, any federal offense,
85 or any military offense in which the defendant was operating a vessel while intoxicated and
86 another person was injured or killed; or

87 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

88 a. Cause the death of any person not a passenger in the vessel operated by the
89 defendant, including the death of an individual that results from the defendant's vessel leaving
90 the water; or

91 b. Cause the death of two or more persons; or

92 c. Cause the death of any person while he or she has a blood alcohol content of at
93 least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

94 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
95 alcohol, a controlled substance, or drug, or any combination thereof;

96 (14) "Intoxication-related boating offense", operating a vessel while intoxicated;
97 boating while intoxicated; operating a vessel with excessive blood alcohol content or an
98 offense in which the defendant was operating a vessel while intoxicated and another person
99 was injured or killed in violation of any state law, county or municipal ordinance, any federal
100 offense, or any military offense;

101 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
102 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation
103 of a state law, county or municipal ordinance, any federal offense, or any military offense, or
104 an offense in which the defendant was operating a vehicle while intoxicated and another
105 person was injured or killed in violation of any state law, county or municipal ordinance, any
106 federal offense, or any military offense;

107 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
108 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
109 operations on a federal military installation under military jurisdiction in the state of
110 Missouri;

111 (17) "Operate a vessel", to physically control the movement of a vessel in motion
112 under mechanical or sail power in water;

113 (18) "Persistent offender", a person who has been found guilty of:

114 (a) Two or more intoxication-related traffic offenses committed on separate
115 occasions; or

116 (b) One intoxication-related traffic offense committed in violation of any state law,
117 county or municipal ordinance, federal offense, or military offense in which the defendant
118 was operating a vehicle while intoxicated and another person was injured or killed;

119 (19) "Persistent boating offender", a person who has been found guilty of:

120 (a) Two or more intoxication-related boating offenses committed on separate
 121 occasions; or

122 (b) One intoxication-related boating offense committed in violation of any state law,
 123 county or municipal ordinance, federal offense, or military offense in which the defendant
 124 was operating a vessel while intoxicated and another person was injured or killed;

125 (20) "Prior offender", a person who has been found guilty of one intoxication-related
 126 traffic offense, where such prior offense occurred within five years of the occurrence of the
 127 intoxication-related traffic offense for which the person is charged;

128 (21) "Prior boating offender", a person who has been found guilty of one intoxication-
 129 related boating offense, where such prior offense occurred within five years of the occurrence
 130 of the intoxication-related boating offense for which the person is charged.

2 ~~[67.136. Notwithstanding any other provisions of law to the contrary,~~
 3 ~~any city or county that has established a municipal court may utilize~~
 4 ~~collections agencies to collect any court or administrative fines or costs~~
 5 ~~associated with a finding of guilt for a criminal offense or an infraction, or~~
 6 ~~entry of a civil judgment, which are legally owed, enforceable, past due, and~~
~~remain uncollected.]~~

2 ~~[476.056. 1. Any city, county, village or other municipality may~~
 3 ~~provide for automation of its municipal court pursuant to subsection 3 of~~
 4 ~~section 476.055, in the manner provided in this section. In order to make such~~
 5 ~~provisions, such municipality must:~~

6 ~~(1) Adopt an ordinance imposing the surcharge in the amount allowed,~~
 7 ~~and payable in the manner provided, by section 476.053, and sections 488.010~~
 8 ~~to 488.020;~~

9 ~~(2) Enter into an agreement with the state courts administrator for~~
 10 ~~automation of the municipality's court. Such agreement may provide for~~
 11 ~~continuation of the surcharge for a minimum period of time, payable to the~~
 12 ~~fund established by section 476.055, or a special fund established in the state~~
 13 ~~treasury for such purpose upon expiration of section 476.055, for payment of a~~
 14 ~~guaranteed minimum annual amount in the event that payment of such~~
 15 ~~surcharges shall not offset the cost of the automation of the municipality's~~
 16 ~~court; and such other terms as may be agreed on between the municipality and~~
 17 ~~the state courts administrator.~~

18 ~~2. Notwithstanding the provisions of section 476.053, the payment of~~
 19 ~~any surcharge provided by this section may continue for a period in excess of~~
 20 ~~that allowed by section 476.053 for payment of surcharges in the circuit~~
 21 ~~courts. The provisions of section 33.080 shall not apply to any special fund~~
~~established pursuant to this section.]~~

2 ~~[478.230. A municipal judge may hear and determine municipal~~
 3 ~~ordinance violation cases of the municipality or municipalities making~~
~~provision for the particular municipal judge. The provisions of this section~~

4 ~~authorizing the hearing and determination of particular cases or classes of~~
5 ~~cases by municipal judges shall be subject to the transfer, assignment, and~~
6 ~~disqualification provisions contained in Article V of the Constitution, in~~
7 ~~provisions of law, or in court rules which are authorized by the constitution or~~
8 ~~by law.]~~

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

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

14 ~~3. No person shall serve as a municipal judge of any municipality with~~
15 ~~a population of seven thousand five hundred or more or of any municipality in~~
16 ~~a county of the first class with a charter form of government unless the person~~
17 ~~is licensed to practice law in this state unless, prior to January 2, 1979, such~~
18 ~~person has served as municipal judge of that same municipality for at least two~~
19 ~~years.~~

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

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

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

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

40 ~~8. Within six months after selection for the position, each municipal~~
41 ~~judge who is not licensed to practice law in this state shall satisfactorily~~
42 ~~complete the course of instruction for municipal judges prescribed by the~~
~~supreme court. The state courts administrator shall certify to the supreme~~

43 ~~court the names of those judges who satisfactorily complete the prescribed~~
 44 ~~course. If a municipal judge fails to complete satisfactorily the prescribed~~
 45 ~~course within six months after the municipal judge's selection as municipal~~
 46 ~~judge, the municipal judge's office shall be deemed vacant and such person~~
 47 ~~shall not thereafter be permitted to serve as a municipal judge, nor shall any~~
 48 ~~compensation thereafter be paid to such person for serving as municipal judge.~~
 49 ~~9. No municipal judge shall serve as a municipal judge in more than~~
 50 ~~five municipalities at one time. A court that serves more than one municipality~~
 51 ~~shall be treated as a single municipality for the purposes of this subsection.]~~

2 ~~[479.030. 1. Every municipality with a population of less than four~~
 3 ~~hundred thousand which makes provision for a municipal judge or judges shall~~
 4 ~~notify in writing the circuit clerk of the county in which the municipality or~~
 5 ~~major geographical portion thereof is located before the municipal judge or~~
 6 ~~judges hear and determine any cases; provided, however, that until March 1,~~
 7 ~~1979, municipal judges may hear and determine cases prior to such~~
 8 ~~notification.]~~

9 ~~2. Judges of municipal courts in office on January 1, 1979, may serve~~
 10 ~~out the terms which they are then serving as municipal judges of the circuit~~
 11 ~~court if the municipality makes provision for the office of a municipal judge~~
 12 ~~even though such judge may not meet the requirements of subsections 3, 7 and~~
 13 ~~8 of section 479.020.]~~

14 ~~3. Each judge of a municipal court in a city with a population of over~~
 15 ~~four hundred thousand who is in office on January 1, 1979, and who is a full-~~
 16 ~~time judge, shall become a municipal judge for that city without action being~~
 17 ~~required on the part of the city, shall serve out the term for which he was~~
 18 ~~selected, and subject to the provisions of chapter 479, shall be eligible for~~
 19 ~~retention in office at the end of such term under the provisions of any plan of~~
 20 ~~merit retention for municipal court judges in effect on January 1, 1979, which~~
~~shall be deemed to be continued in effect without action on the part of the city.]~~

2 ~~[479.070. The municipal judge shall be a conservator of the peace. He~~
 3 ~~shall keep a docket in which he shall enter every case commenced before him~~
 4 ~~and the proceeding therein and he shall keep such other records as required.~~
 5 ~~Such docket and records shall be records of the circuit court. The municipal~~
 6 ~~judge shall deliver said docket and records and all books and papers pertaining~~
 7 ~~to his office to his successor in office or to the presiding judge of the circuit.~~
 8 ~~The municipal judge shall have the power to administer oaths and enforce due~~
 9 ~~obedience to all orders, rules and judgments made by him, and may fine or~~
 10 ~~imprison for contempt committed before such judge while holding court, in the~~
~~same manner and to the same extent as a circuit judge.]~~

2 ~~[479.155. 1. By September 1, 2015, the presiding judge of the circuit~~
 3 ~~court in which the municipal division is located shall report to the clerk of the~~
 4 ~~supreme court the name and address of the municipal division and any other~~
 5 ~~information regarding the municipal division requested by the clerk of the~~
 6 ~~supreme court on a standardized form developed by the clerk of the supreme~~
~~court.]~~

7 2. ~~If a municipality elects to abolish or establish a municipal division,~~
8 ~~the presiding judge of the circuit court in which the municipal division is~~
9 ~~located shall notify the clerk of the supreme court and shall complete the~~
10 ~~report required under subsection 1 of this section within ninety days of the~~
11 ~~establishment of the division.~~

12 3. ~~The supreme court shall develop rules regarding conflict of interest~~
13 ~~for any prosecutor, defense attorney, or judge that has a pending case before~~
14 ~~the municipal division of any circuit court.]~~

2 ~~[479.170. 1. If, in the progress of any trial before a municipal judge, it~~
3 ~~shall appear to the judge that the accused ought to be put upon trial for an~~
4 ~~offense against the criminal laws of the state and not cognizable before him as~~
5 ~~municipal judge, he shall immediately stop all further proceedings before him~~
6 ~~as municipal judge and cause the complaint to be made before some associate~~
7 ~~circuit judge within the county.~~

8 2. ~~For purposes of this section, any offense involving the operation of~~
9 ~~a motor vehicle in an intoxicated condition as defined in section 577.001 shall~~
10 ~~not be cognizable in municipal court, if the defendant has been convicted,~~
11 ~~found guilty, or pled guilty to two or more previous intoxication-related traffic~~
12 ~~offenses as defined in section 577.001, or has had two or more previous~~
~~alcohol-related enforcement contacts as defined in section 302.525.]~~

2 ~~[479.172. 1. Each municipal judge shall receive adequate instruction~~
3 ~~on the laws related to intoxication-related traffic offenses as defined in section~~
4 ~~577.001 including jurisdictional issues related to such offenses, reporting~~
5 ~~requirements to the highway patrol central repository as set out in section~~
6 ~~43.503 and required assessment for offenders under the substance abuse traffic~~
7 ~~offender program (SATOP). Each municipal judge shall adopt a written policy~~
8 ~~requiring that municipal court personnel timely report all dispositions of all~~
9 ~~charges for intoxication-related traffic offenses to the central repository.~~

10 2. ~~Each municipal court shall provide a copy of its written policy for~~
11 ~~reporting dispositions of intoxication-related traffic offenses to the office of~~
12 ~~state courts administrator and the highway patrol. To assist municipal courts,~~
13 ~~the office of state courts administrator may create a model policy for the~~
14 ~~reporting of dispositions of all charges for intoxication related traffic offenses.~~

15 3. ~~Each municipal division of every circuit court in the state of~~
16 ~~Missouri shall prepare a report every six months. The report shall include, but~~
17 ~~shall not be limited to, the total number and disposition of every intoxication-~~
18 ~~related traffic offense adjudicated, dismissed or pending in its municipal court~~
19 ~~division. The municipal court division shall submit said report to the circuit~~
20 ~~court en banc. The report shall include the six month period beginning~~
21 ~~January first and ending June thirtieth and the six-month period beginning~~
22 ~~July first and ending December thirty-first of each year. The report shall be~~
23 ~~submitted to the circuit court en banc no later than sixty days following the end~~
24 ~~of the reporting period. The circuit court en banc shall make recommendations~~
~~or take any action it deems appropriate based on its review of said reports.]~~

2 ~~[479.220. A municipal judge shall be disqualified to hear any case in~~
3 ~~which he is in any wise interested, or, if before the trial is commenced, the~~
4 ~~defendant or the prosecutor files an affidavit that the defendant or the~~
5 ~~municipality, as the case may be, cannot have a fair and impartial trial by~~
6 ~~reason of the interest or prejudice of the judge. Neither the defendant nor the~~
7 ~~municipality shall be entitled to file more than one affidavit or disqualification~~
~~in the same case.]~~

2 ~~[479.230. 1. If a municipal judge be absent, sick or disqualified from~~
3 ~~acting pursuant to the general administrative authority of the presiding judge~~
4 ~~of the circuit court over the municipal divisions within the circuit contained in~~
5 ~~section 478.240:~~

6 ~~(1) In municipal court divisions having more than one judge, the~~
7 ~~presiding judge of the municipal division, if any, or if there is not a designated~~
8 ~~presiding judge of the municipal division, any other municipal judge in said~~
9 ~~municipal division may request the presiding judge of the circuit court to~~
10 ~~designate a special municipal judge as provided in subsection 2 of this section~~
11 ~~until such absence or disqualification shall cease, subject to subdivision (4) of~~
12 ~~this subsection;~~

13 ~~(2) The presiding judge of the municipal division may, by written~~
14 ~~directive, designate a written procedure delegating authority by which the~~
15 ~~municipal court administrator, if any, or the municipal court clerk, is~~
16 ~~authorized to notify and request the presiding judge of the circuit court to~~
17 ~~designate a special municipal judge as provided in subsection 2 of this section;~~

18 ~~(3) In the absence of multiple judges in a municipal division, and in~~
19 ~~the absence of a written directive and policy authorizing the procedure, the~~
20 ~~mayor or chairman of the board of trustees may request the presiding judge of~~
21 ~~the circuit court to designate a special municipal judge as provided in~~
22 ~~subsection 2 of this section or in cases of circumstances making it impossible~~
23 ~~to reach the presiding judge of the circuit court in a timely manner, the mayor~~
24 ~~or chairman of the board of trustees may designate some competent, eligible~~
25 ~~person to act as municipal judge until the presiding judge of the circuit court~~
26 ~~can designate a special municipal judge as provided for under subsection 2 of~~
27 ~~this section;~~

28 ~~(4) Notwithstanding the provisions of subdivisions (1) to (3) of this~~
29 ~~subsection, should a vacancy occur in the office of an elected municipal judge~~
30 ~~more than six months before a general municipal election, then a special~~
31 ~~election shall be held to fill such vacancy; and in case of vacancy in the office~~
32 ~~of an elected municipal judge within less than six months of a general~~
33 ~~municipal election, the office may be filled by a competent, eligible person~~
34 ~~under the procedures set forth in subdivisions (1), (2), and (3) of this~~
35 ~~subsection.~~

36 ~~2. The presiding judge of the circuit court may appoint any other~~
37 ~~municipal judge within the circuit to act as a special interim municipal judge~~
38 ~~for a municipal judge of the circuit who is absent, sick or disqualified from~~
39 ~~acting. The presiding judge shall act upon the request of those with authority~~
~~to make such request under subsection 1 of this section.~~

40 3. ~~The governing body of the municipality shall provide by ordinance~~
 41 ~~for the compensation of any person designated to act as municipal judge under~~
 42 ~~the provisions of this section.]~~

2 ~~[479.360. 1. Every county, city, town, and village shall file with the~~
 3 ~~state auditor, together with its report due under section 105.145, its~~
 4 ~~certification of its substantial compliance signed by its municipal judge with~~
 5 ~~the municipal court procedures set forth in this subsection during the~~
 6 ~~preceding fiscal year. The procedures to be adopted and certified include the~~
 7 ~~following:~~

8 ~~(1) Defendants in custody pursuant to an initial arrest warrant issued~~
 9 ~~by a municipal court have an opportunity to be heard by a judge in person, by~~
 10 ~~telephone, or video conferencing as soon as practicable and not later than~~
 11 ~~forty-eight hours on minor traffic violations and not later than seventy-two~~
 12 ~~hours on other violations and, if not given that opportunity, are released;~~

13 ~~(2) Defendants in municipal custody shall not be held more than~~
 14 ~~twenty-four hours without a warrant after arrest;~~

15 ~~(3) Defendants are not detained in order to coerce payment of fines~~
 16 ~~and costs unless found to be in contempt after strict compliance by the court~~
 17 ~~with the due process procedures mandated by Missouri supreme court rule~~
 18 ~~37.65 or its successor rule;~~

19 ~~(4) The municipal court has established procedures to allow indigent~~
 20 ~~defendants to present evidence of their financial condition and takes such~~
 21 ~~evidence into account if determining fines and costs and establishing related~~
 22 ~~payment requirements;~~

23 ~~(5) The municipal court only assesses fines and costs as authorized by~~
 24 ~~law;~~

25 ~~(6) No additional charge shall be issued for the failure to appear for a~~
 26 ~~minor traffic violation;~~

27 ~~(7) The municipal court conducts proceedings in a courtroom that is~~
 28 ~~open to the public and large enough to reasonably accommodate the public,~~
 29 ~~parties, and attorneys;~~

30 ~~(8) The municipal court makes use of alternative payment plans;~~

31 ~~(9) The municipal court makes use of community service alternatives~~
 32 ~~for which no associated costs are charged to the defendant; and~~

33 ~~(10) The municipal court has adopted an electronic payment system or~~
 34 ~~payment by mail for the payment of minor traffic violations.~~

35 ~~2. On or before December 31, 2015, the state auditor shall set forth by~~
 36 ~~rule a procedure for including the addendum information required by this~~
 37 ~~section. The rule shall also allow reasonable opportunity for demonstration of~~
~~compliance.]~~

2 ~~[479.362. 1. The auditor shall notify to the director of the department~~
 3 ~~of revenue whether or not county, city, town, or village has timely filed the~~
 4 ~~addendums required by sections 479.359 and 479.360 and transmit copies of~~
 5 ~~all addendums filed in accordance with sections 479.359 and 479.360. The~~
~~director of the department of revenue shall review the information filed in the~~

6 addendums as required by sections 479.359 and 479.360 and shall determine
7 if any county, city, town, or village:

8 (1) failed to file an addendum; or

9 (2) Failed to remit to the department of revenue the excess amount as
10 set forth, certified, and signed in the addendum required by section 479.359.
11 The director of the department of revenue shall send a notice by certified mail
12 to every county, city, town, or village failing to make the required filing or
13 excess payment. The notice shall advise the county, city, town, or village of
14 the failure and state that the county, city, town, or village is to correct the
15 failure within sixty days of the date of the notice.

16 2. If a county, city, town, or village files the required addendum after
17 notice from the director of the department of revenue, the director shall
18 determine whether the county, city, town, or village failed to pay any excess
19 amount required. If so, the director shall send an additional notice of failure to
20 pay the excess amount and the county, city, town, or village shall pay the
21 excess amount within sixty days of the date of the original notice.

22 3. A county, city, town, or village sent a notice by the director of the
23 department of revenue for failure to pay or failure to file the required
24 addendum under this section may seek judicial review of any determination
25 made by the director of the department of revenue in the circuit court in which
26 the municipal division is located by filing a petition under section 536.150
27 within thirty days of receipt of such determination. The county, city, town, or
28 village shall give written notice of such filing to the director of revenue by
29 certified mail. Within fifteen days of filing the petition, the county, city, town,
30 or village shall deposit an amount equal to any amount in dispute into the
31 registry of the circuit court by the county, city, town, or village. Failure to do
32 so shall result in a dismissal of the case.

33 4. In addition to other available remedies, if the circuit court
34 determines that the director of the department of revenue's determination as to
35 the amount of excess funds or failure to file is in error, the circuit court shall
36 return the amount not required to be remitted to the department of revenue to
37 the county, city, town, or village immediately. The remainder of the funds held
38 in the registry shall be paid to the director of the department of revenue for
39 distribution under subsection 1 of section 479.359.

40 5. If any county, city, town, or village has failed to file an accurate or
41 timely addendum or send excess revenue to the director of the department of
42 revenue and the sixty-day period described in subsection 1 of this section has
43 passed or there has been a final adjudication of a petition filed pursuant to
44 subsection 3 of this section, whichever is later, the director of the department
45 of revenue shall send a final notice to the clerk of the municipal court. If the
46 county, city, town, or village fails to become compliant within five days after
47 the date of the final notice, the director of the department of revenue shall send
48 a notice of the noncompliance to the presiding judge of the circuit court in
49 which any county, city, town, or village is located and the presiding judge of
50 the circuit court shall immediately order the clerk of the municipal court to
51 certify all pending matters in the municipal court until such county, city, town,
52 or village files an accurate addendum and sends excess revenue to the director
53 of the department of revenue pursuant to sections 479.359 and 479.360. All

54 ~~finest, bond forfeitures, and court costs ordered or collected while a county,~~
 55 ~~city, town, or village has its municipal court matters reassigned under this~~
 56 ~~subsection shall be paid to the director of the department of revenue to be~~
 57 ~~distributed to the schools of the county in the same manner that proceeds of all~~
 58 ~~penalties, forfeitures, and fines collection for any breach of the penal laws of~~
 59 ~~the state are distributed and the county, city, town, or village shall not be~~
 60 ~~entitled to such revenue. If the noncompliant county, city, town, or village~~
 61 ~~thereafter files an accurate addendum and remits all the excess revenue owed~~
 62 ~~pursuant to section 479.359 to the director of the department of revenue, the~~
 63 ~~director of the department shall notify the clerk of the municipal court and the~~
 64 ~~presiding judge of the circuit court that the county, city, town, or village may~~
 65 ~~again hear matters and receive revenue from fines, bond forfeitures, and court~~
 66 ~~costs subject to continuing compliance with section 479.359.~~

67 ~~6. The state auditor shall have the authority to audit any addendum and~~
 68 ~~any supporting documents submitted to the department of revenue by any~~
 69 ~~county, city, town, or village.]~~

2 ~~[483.680. 1. All records belonging to a municipal court on January 1,~~
 3 ~~1979, shall on January 2, 1979, become records of the circuit court in which~~
 4 ~~such municipality or major geographical area thereof shall be located.~~
 5 ~~Physical custody of such records shall not, however, be transferred to the~~
 6 ~~circuit clerk or to a division clerk of the circuit court except as hereinafter~~
 7 ~~provided, but rather physical custody of such records shall be maintained by~~
 8 ~~the municipality. Physical custody of such records shall be transferred to the~~
 9 ~~circuit court in the following situations:~~

10 ~~(1) When a municipality makes provision for a municipal judge of the~~
 11 ~~circuit court to serve such municipality beginning on January 2, 1979, the~~
 12 ~~records in cases which are pending on January 1, 1979, shall be placed in the~~
 13 ~~custody of the municipal clerk serving the municipal judge;~~

14 ~~(2) When a municipality does not make provision for a municipal~~
 15 ~~judge of the circuit court to serve such municipality beginning on January 2,~~
 16 ~~1979, the records in cases which are pending on January 1, 1979, shall be~~
 17 ~~placed in the custody of the circuit clerk or the division clerk serving the~~
 18 ~~associate circuit judge to whom such cases are assigned;~~

19 ~~(3) When the records of a case or cases are ordered transferred~~
 20 ~~pursuant to local circuit court rule.~~

21 ~~2. If physical custody of such records which belonged to a municipal~~
 22 ~~court on January 1, 1979, is not transferred or ordered to be transferred as~~
 23 ~~provided in subdivision (1), (2) or (3) of subsection 1 of this section by~~
 24 ~~January 1, 1982, such records shall cease to be records of the circuit court,~~
 25 ~~shall be considered thereafter as records of the particular municipality, and~~
 26 ~~may or may not be disposed of as determined by the municipality.~~

27 ~~3. If physical custody of such records is transferred as provided in~~
 28 ~~subdivision (1), (2) or (3) of subsection 1 of this section, the clerk having~~
 29 ~~custody of such records is authorized to issue certified copies of such~~
~~municipal court records as well as copies of later municipal ordinance~~

30 ~~violation cases in his possession, and all courts of this state shall recognize~~
31 ~~such certified copies as if made by a clerk of the original court.]~~

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