

Article V  
JUDICIAL DEPARTMENT  
Section 23  
August 28, 2014

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Municipal judges and court personnel--selection--terms--compensation  
--jurisdiction--appeals--role of associate circuit judges.

Section 23. Each circuit may have such municipal judges as provided by law and the necessary non-judicial personnel assisting them. The selection, tenure and compensation of such judges and such personnel shall be as provided by law, or in cities having a charter form of government as provided by such charter. A municipal judge may be a part-time judge except where prohibited by ordinance or charter of the municipality. A municipal judge shall hear and determine violations of municipal ordinances in one or more municipalities. Until otherwise provided by law, or supreme court rule, the practice, procedure, right to and method of appeal before and from municipal judges shall be as heretofore provided with respect to municipal courts. Associate circuit judges shall hear and determine violations of municipal ordinances in any municipality with a population of under four hundred thousand within the circuit for which a municipal judge is not provided, or upon request of the governing body of any municipality with a population of under four hundred thousand within the circuit.

(Amended August 3, 1976)

(1990) Under constitutional provision, mayor's commission has no jurisdiction to hear and determine an allegation of a violation of a city ordinance. Commission's order was null and void. *Yellow Freight Systems, Inc. v. Mayor's Commission on Human Rights of the City of Springfield*, 791 S.W.2d 382 (Mo. 1990) (en banc).

Article V  
JUDICIAL DEPARTMENT  
Section 27  
August 28, 2014

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Effective date and transition provisions.

Section 27. Except as otherwise provided in this article, the effective date of this article shall be January 2, 1979.

1. All judges elected in 1978 shall be sworn into office on January 1, 1979.

2. All magistrate courts, probate courts, courts of common pleas, the St. Louis court of criminal correction, and municipal corporation courts shall continue to exist until the effective date of this article at which time said courts shall cease to exist. When such courts cease to exist:

a. The jurisdiction of magistrate courts shall be transferred to the circuit court of the circuit and such courts shall become divisions of the circuit court.

b. The jurisdiction of probate courts within the circuit shall be transferred to the circuit court and such courts shall become divisions of the circuit court.

c. The jurisdiction of St. Louis court of criminal correction and all courts of common pleas shall be transferred to the circuit court for the respective circuit and such courts shall become divisions of the circuit court. The provisions of law relating to practice and procedure of the courts of common pleas shall, until otherwise changed by law, remain in effect and the provision of law relating to practice, procedure, venue, jurisdiction, selection of jurors, election of clerk and provisions for deputies and all other provisions of law relating to the Hannibal Court of Common Pleas shall until otherwise changed by law, remain in effect as to such division of the Marion county circuit court and said division shall be known as division number 2 of the Marion county circuit court instead of the Hannibal Court of Common Pleas.

d. The jurisdiction of municipal courts shall be transferred to the circuit court of the circuit in which such municipality or major geographical area thereof shall be located and, such courts shall become divisions of the circuit court. When such courts cease to exist, all records, papers and files shall be transferred to the circuit court which may designate the place where such records may be maintained.

e. Divisions of the circuit court created by this subsection may be changed hereafter by law.

f. After the effective date of this article, in counties with a population of over thirty thousand and less than sixty-five thousand, the office expenses and salaries of associate circuit judges and their clerks who before the effective date of this article were probate judges shall continue to be paid by the counties.

g. After the effective date of this article, in all counties with a population of over sixty-five thousand and in any city not within a county, the office expenses and salaries of the circuit judges who before the effective date of this article were probate judges in said counties or city, shall be paid by the respective counties or city.

3. Until otherwise provided by law associate circuit judges shall hear all cases or matters, civil and criminal, as now provided by law for magistrates within the county and such additional cases or classes of cases as may be provided by law. Until otherwise provided by law, associate circuit judges shall hear all cases or matters as now provided

by law for probate courts within the county, except that in the city of St. Louis, in all first class counties, and all second class counties with a population of over sixty-five thousand, the circuit judge of the probate division of the circuit court shall hear all cases and matters as now provided by law for probate courts within such circuits or counties. An associate circuit judge exercising probate jurisdiction shall, in connection therewith, possess general equitable powers. Associate circuit judges of the city of St. Louis shall hear all civil and criminal cases as now provided by law for magistrates and the St. Louis court of criminal correction including appeals and preliminary hearings in felony cases and such additional cases or classes of cases as may hereafter be provided by law. Until otherwise provided by law or supreme court rule the practice, procedure, filing fees and administration of causes heard by associate circuit judges within the jurisdiction of former magistrate and probate courts shall be and remain the same as in the court abolished.

4. a. In 1978, all probate judges except those selected under the nonpartisan selection of judges plan shall be elected as provided by law. On the effective date of this article the probate judge of the city of St. Louis and the probate judges of all first class counties and all second class counties with a population of over sixty-five thousand shall become circuit judges of their respective circuits and thereafter shall be selected or elected from the circuit as in the case of other circuit judges and be entitled to the same compensation as provided by law for circuit judges at the time of the effective date of this article until changed by law, and shall have the same powers and jurisdiction as judges of the circuit court. Each judge who served as probate judge and who is in office on the effective date of this article in such city and counties shall continue to serve in the capacity of judge of the probate division of the circuit court until his successor is selected and qualified, provided that with his consent any circuit or associate circuit judge in the circuit at his request may hear, try and dispose of any matter, case or classes of cases assigned to him by such judge of the probate division, and such judge of the probate division with his consent, may hear, try and determine any case within the jurisdiction of the circuit court. On the effective date of this article the probate judges of counties with a population of sixty-five thousand or less shall become associate circuit judges of their respective circuits and thereafter shall be selected or elected from the county as in the case of other associate circuit judges and shall be entitled to the same compensation as that to which they were entitled on the effective date of this article until changed by law.

b. On the effective date of this article, judges of the St. Louis court of criminal correction and judges of the courts of common pleas shall become circuit judges and be entitled to the compensation of circuit judges and shall have the same power and jurisdiction as circuit judges.

c. In 1978, all magistrates shall be elected as provided by law. On the effective date of this article all magistrates who are then in office shall become associate circuit judges and shall serve out the remainder of their terms as such. Each such judge shall be entitled to the same compensation as that to which he was entitled on the effective date of this

article until otherwise changed by law.

5. The right to and method of review from a final judgment or appealable order of an associate circuit judge, or municipal judge, when so acting within the jurisdiction of cases heretofore within the jurisdiction of the former magistrate or municipal courts shall, until otherwise provided by law, be de novo before a circuit judge or another associate circuit judge within the circuit except that appeals from an associate circuit judge exercising probate jurisdiction in any circuit, and appeals from any cause from an associate circuit judge as provided by law shall be appealed to the appropriate district of the court of appeals upon a record as authorized by law or supreme court rule. Appeals in misdemeanor cases from the associate circuit judge from the city of St. Louis shall be as now provided until changed by law.

6. The costs of judicial proceedings as provided for in all courts existing before the adoption of this article shall remain in effect with respect to cases which would have been within the jurisdiction of those courts until such costs are otherwise changed by law. Until otherwise provided by law, if a cause could have been filed in more than one court before the effective date of this article, the lower cost structure shall be used in calculating costs; provided, however, that a party instituting a civil suit which would have been within the concurrent jurisdiction of the circuit and magistrate courts prior to the effective date of this article may designate the case as being one to be processed in accordance with procedures and rules appertaining before circuit judges, and the court costs heretofore applicable to such cases in circuit court shall apply.

7. Until the effective date of this article the courts of common pleas, the St. Louis court of criminal corrections, the magistrate courts, the probate courts and the municipal corporation courts shall continue to have the jurisdiction and power provided in the article repealed hereby and provided by the laws and rules enacted thereunder, and shall continue to follow the procedures as provided in such article, laws and rules.

8. Each judge who, on the effective date of this article, becomes a circuit or associate circuit judge in any circuit subject to the provisions of sections 25(a)-(g) of this article shall be eligible for retention in office as a circuit or associate circuit judge respectively by filing in the office of the secretary of state a declaration of candidacy for election not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office. If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December thirty-first following such election as is provided for the full term of such office and at the expiration of each such term shall be eligible for retention in office by election in the same manner prescribed by section 25(c)(1). The secretary of state shall certify the name of such judges in accordance with law or in accordance with section 25(c)(2) of this article.

9. On the effective date of this article the judges of the magistrate court and the judges of the probate court in any circuit which selects judges under the nonpartisan selection of judges shall become nonpartisan judges. The judges of the probate courts of the city of St. Louis and all first class counties, and all second class counties with a population of over sixty-five thousand, when such courts cease to exist, and the judges of the St. Louis court of criminal corrections, shall become circuit judges and receive the compensation payable to circuit judges.

9. a. The judges of all municipal corporations courts in office at the time such courts cease to exist and who qualify for office under the provisions of section 21 of this article shall continue in office until the expiration of the terms to which they have been elected or appointed unless otherwise provided by law. When such courts cease to exist, the judges thereof who continue in office shall become municipal judges and shall serve as such until their terms expire or are otherwise removed. They shall receive the compensation now provided until otherwise changed by law. Such compensation shall be paid by the municipality or municipalities they serve. Upon the expiration of their terms, they shall become eligible for retention in office as municipal judges in the same manner as now provided for the selection of municipal judges in the municipality they serve until otherwise provided by law. In the event the municipal judge now serving shall fail, refuse or be disqualified from continuing in office, the municipality may elect or appoint a municipal judge in the same manner as is now provided in that municipality for selection of a municipal judge unless otherwise provided by law. All expenses incidental to the functioning of municipal judges, including the cost of any staff, and their quarters shall be paid and provided by the respective municipalities as now provided for municipal courts until otherwise provided by law. In municipalities with a population of under four hundred thousand which do not have a municipal judge or for which no municipal judge is provided by law, associate circuit judges shall hear and determine violations of municipal ordinances. No associate circuit judge shall, however, act as a municipal judge in any city with a population of four hundred thousand or more until otherwise provided by law.

10. a. 1. Until otherwise provided by law, circuit clerks in each circuit and county shall be selected in the same manner as provided by law on the effective date of this article, except that in counties having a charter form of government, the circuit clerk shall be selected in the manner as provided in the charter of such county.

2. Upon the expiration of the terms of office of the clerk of the circuit court for criminal causes of the city of St. Louis, and the term of the clerk of the St. Louis court of criminal correction, the offices of such clerks shall cease to exist and thereafter the clerk of the circuit court of the city of St. Louis shall have the powers and perform the duties and functions of such clerks and shall serve all divisions of the circuit court, except the courts presided over by an associate circuit judge, the judge of the probate division of the circuit court and by municipal judges.

3. In any division of the circuit court presided over by an associate circuit judge, in the probate division of the circuit court, and in any division presided over by a municipal judge, the clerks and their deputies of the respective divisions shall continue to be selected in the same manner as provided for by law on the effective date of this article until otherwise changed by law.

4. There shall continue to be an office of circuit clerk in each county of the circuit, until otherwise changed by law.

b. Upon the effective date of this article, the office of constable serving magistrate courts is abolished. The functions, powers and duties of such constables shall be transferred to and be performed by the sheriff of the county or the sheriff of the city of St. Louis.

c. Upon the effective date of this article the office of prosecuting attorney of the city of St. Louis shall be abolished and all the duties, powers, and functions of such office shall be transferred to the circuit attorney of the city of St. Louis who shall have such powers and perform such functions and duties as the prosecuting attorney of the city of St. Louis.

d. No election shall be held in 1978 for the offices which are abolished by this subsection 10.

11. The commissioners of the supreme court holding office on the effective date of this article shall continue to hold office as commissioners of the court until the end of their terms, and shall be eligible for reappointment thereafter from term to term under existing law until retirement, death, resignation or removal for cause. Upon the occurrence of such vacancy in the office of commissioner of the supreme court, such office shall cease to exist. Commissioners, in addition to their regular duties, shall be subject to temporary assignment for the performance of judicial duties as special judges of the supreme court, court of appeals, or circuit court on order of the supreme court. During such temporary assignments, commissioners sitting as special judges shall have the same powers, duties, and responsibilities as are vested by law in the regular judges of the courts to which they are assigned.

12. The boundaries and territorial jurisdiction of the districts of the court of appeals and of the judicial circuits as they exist on the effective date of this article shall be continued in effect until such time as changed by law.

13. The commission on retirement, removal and discipline and the nonpartisan appellate and circuit judicial commissions in existence on the effective date of this article shall continue to exist, and the terms of office for such commissions shall continue in effect.

14. "Judge" as used in sections 20, 24 and 26 of this article shall include commissioners of the supreme court.

15. Nothing in this article shall deprive any person of any right or privilege to retire and the retirement benefits to which he was entitled immediately prior to the effective date of this article.

16. A municipal corporation with a population of under four hundred thousand shall have the right to enforce its ordinances and to conduct prosecutions before an associate circuit judge in the absence of a municipal judge and in appellate courts under the process authorized or provided by this article and shall receive and retain any fines to which it may be entitled. All court costs shall be paid to and deposited monthly in the state treasury. No filing fees shall be charged in such prosecutions unless and until provided for by a law enacted after the adoption of this article.

17. Until otherwise provided by law, the circuit courts shall continue to have jurisdiction to review administrative decisions, findings, rules, and orders in the manner and practice and pursuant to the laws and rules then in force at the time this article becomes effective.

18. All rights, claims, causes of action and obligations existing and all contracts, prosecutions, recognizances and other instruments executed or entered into and all indictments, informations, and complaints which shall have been filed and all actions which shall have been instituted and all fines, penalties and forfeitures assessed, due or owing prior to the effective date of this article shall continue to be as valid as if this article had not been adopted.

19. The general assembly may enact such laws and make such appropriations as may be necessary to carry out the provisions of this article.

20. All laws and rules inconsistent with the provisions of this article shall, on the effective date hereof, be and are repealed. Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superseded in a manner authorized by the constitution or by law.

21. In the event that a new district of the court of appeals is established, the judges presently serving on any district of the court of appeals shall continue to be judges of the court of appeals to which appointed although they are not residents of the court of appeals district in which they serve.

22. Until otherwise provided by law, in any cause heard and determined by an associate circuit judge, the associate circuit judge shall utilize electronic, magnetic, or mechanical sound or video recording devices for the purpose of preserving the record. Electronic, magnetic, or mechanical recording devices shall be approved by the office of state courts administrator prior to their utilization by any associate circuit judge.

23. Each circuit in which judges are selected under the nonpartisan court plan, on the effective date of this article, including the circuits of Platte county, Clay county, and St.

Louis county, shall continue under the nonpartisan court plan until and unless such method of selection of judges is discontinued by the voters of the circuit as provided by sections 25(a)-(g) of this article.

24. Judges, other than municipal judges, not selected under the provisions of sections 25(a)-(g) of this article who on the effective date of this article or within six months thereafter, are seventy years of age or older, may petition the commission on retirement, removal and discipline to continue to serve until age seventy-six if he has not completed a total of twelve years of service as a judge. Judges, other than municipal judges, not selected under the provisions of sections 25(a)-(g) of this article who are in office on the effective date of this article, may, within six months before attaining the age of seventy years, petition the commission on retirement, removal, and discipline to be allowed to serve after he has attained that age until age seventy-six or has completed a total of twelve years of service as a judge, whichever shall first occur. If the commission finds the petitioner to be able to perform his duties and approves such service, the petitioner may continue to serve as such a judge until age seventy-six if he has not completed a total of twelve years of service as a judge at such age. No such judge shall be permitted to serve as such a judge beyond the age of seventy-six years regardless of whether or not he has completed a total of twelve years except for the purpose of completing the term to which he was elected or appointed.

(Amended August 3, 1976)

(1984) Probate division of circuit court has jurisdiction to award attorney's fees to residuary beneficiary who successfully removed the former personal representative. In Re Estate of Murray v. Breen (Mo. App.) 682 S.W.2d 857.

### **Statutory Provisions**

Missouri Revised Statutes

Chapter 66

Constitutional Charter Counties, Miscellaneous Provisions

August 28, 2014

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**Violation of county ordinance, where prosecuted--costs and procedures--judges of county municipal courts, appointment, qualifications--divisions--recording of proceedings--certain violations of state traffic laws may be heard.**



66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

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

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

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

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

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

7. In a county municipal court established pursuant to this section, the county may provide by ordinance for court costs not to exceed the sum which may be provided by municipalities for municipal violations before municipal courts. The county municipal

judge may assess costs against a defendant who pleads guilty or is found guilty except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the authorized clerk and deposited into the county treasury.

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

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

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

(L. 1951 p. 397 § 1, A.L. 1978 H.B. 1634, A.L. 1992 S.B. 529, A.L. 1993 S.B. 177, A.L. 2007 S.B. 22)

#### CROSS REFERENCE:

All costs to establish and operate a county municipal court shall be borne by such county, 479.500

#### **Style of prosecutions--complaints--sufficiency of testimony.**

66.020. 1. All prosecutions for the violation of such a county ordinance shall be titled:

"The county of ..... against ....." (naming the county and the person or persons charged).

2. The complaint when made by a peace officer against any person arrested without process and in custody shall be reduced to writing and sworn to by such officer and an information filed with the court as provided in section 66.030 before such person shall be put upon his trial.

3. In no case shall a judgment of conviction be rendered except when sufficient legal

testimony is given on a public trial or upon a plea of guilty.

(L. 1951 p. 397 § 2, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Informations by county counselor.**

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

(L. 1951 p. 397 § 3, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Warrants, how directed and executed.**

66.040. All warrants issued by the court shall be directed to the sheriff or peace officer of the county and executed by them at any place within the county, and not elsewhere, unless said warrants are endorsed in the manner provided for warrants in criminal cases, and when so endorsed shall be served in other counties as provided for warrants in criminal cases.

(L. 1951 p. 397 § 4, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Cause heard, when--postponement--bond.**

66.050. When any person shall be arrested, charged with a violation of a county ordinance, and brought before the court, it shall be the duty of the court to hear and determine forthwith the complaint alleged against the defendant, unless for good cause the trial is postponed to a time certain, in which case the defendant shall be required to enter into a recognizance, with sufficient security, conditioned that he will appear before said court at the time and place appointed, then and there to answer the complaint made against him; and if he fails or refuses to enter into such recognizance, the defendant shall be committed to the county jail and held to answer the complaint as aforesaid.

(L. 1951 p. 397 § 5, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Forfeiture of recognizance, when--procedure--record of judgment required, when.**

66.060. 1. In case of a breach of any recognizance entered into as provided herein, the recognizance shall be deemed forfeited and the court shall cause it to be prosecuted

against the principal and surety or against either of them alone. Such action shall be in the name of the county as plaintiff, and all moneys recovered in any such action shall be paid over to the county treasurer to the credit of the general revenue fund of the county.

2. Judgments rendered under this section shall be tried with a record being made and may be appealed in like manner and within the same time as provided with respect to judgments in misdemeanor cases.

(L. 1951 p. 397 § 6, A.L. 1978 H.B. 1634, A.L. 1985 S.B. 5, et al.)

Effective 1-1-87

**Several persons jointly charged--amendment of complaint.**

66.070. Complaints filed alleging violation of a county ordinance may include any number of persons charged with the same offense, and no proceedings shall be dismissed or defendant discharged by reason of any informality or irregularity in any complaint; but such complaint may, by leave of the court, at any time before or during the trial prior to the retirement of the jury or the findings of the judge, be amended without prejudice to the proceedings.

(L. 1951 p. 397 § 7, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Punishment assessed, when--maximum penalty.**

66.080. 1. If the defendant pleads or is found guilty of a violation of a county ordinance, the judge shall declare and assess the punishment prescribed by ordinance according to his finding or verdict of the jury and render judgment accordingly and for costs, except that the punishment so assessed shall not exceed a fine of more than one thousand dollars or imprisonment in the county jail for more than one year or both such fine and imprisonment.

2. It shall be a part of such judgment that the defendant stand committed until such judgment is complied with.

(L. 1951 p. 397 § 8, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Prosecuting witness to give security for costs, when.**

66.090. In the event a complaint is made by a person other than the county counselor or a peace officer, the court may require the complainant to give security for the costs in such action.

(L. 1951 p. 397 § 9, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Fines recorded--how paid.**

66.100. All fines paid in prosecutions involving the violation of a county ordinance shall be recorded in a separate docket of fines, and the officer collecting such fines shall turn them over to the county treasurer to be credited as provided by ordinance; and all costs shall be assessed, charged and paid as in other misdemeanor cases in circuit courts.

(L. 1951 p. 397 § 10, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Court fees and costs, how collected--disposition.**

66.110. In each proceeding had in circuit court involving a violation of a county ordinance the same fees and costs shall be allowed and collected as in other misdemeanor cases. All such fees and costs charged and collected shall be paid over by the responsible clerk in the manner provided by sections 488.010 to 488.020\*. The county shall not be required to pay fees pursuant to this section.

(L. 1951 p. 397 § 10a, A.L. 1978 H.B. 1634, A.L. 1996 S.B. 869)

Effective 7-1-97

\*Original rolls contain "section 514.015" which was changed to effectuate the court cost bill.

**Change of venue--disqualification of judge--procedure.**

66.120. A change of venue and disqualification of judge shall be allowed for the same reasons and proceeded upon in the same manner as in other misdemeanor cases.

(L. 1951 p. 397 § 11, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Sheriff to enforce ordinances.**

66.130. The sheriff or other law enforcement officials authorized by county charter or ordinance of such county are charged with the enforcement of all county ordinances.

(L. 1951 p. 397 § 12, A.L. 1978 H.B. 1634)

Effective 1-2-79

**Procedure same as in misdemeanor cases.**

66.140. Unless in conflict with the provisions of this chapter, all provisions of law relating to proceedings before associate circuit judges in circuit courts in misdemeanors shall apply to actions before such courts involving the violation of county ordinances; except that a judgment establishing that an individual has violated a county ordinance shall not be deemed to be a conviction for a misdemeanor within the meaning of section 556.040\*. Such cases involving the violation of county ordinances shall be heard before associate circuit judges in the same manner as other misdemeanor cases unless such cases

are assigned to a circuit judge for hearing. The same provisions relative to application for trial de novo or appeal shall apply in county ordinance violation cases as in other misdemeanor cases.

(L. 1951 p. 397 § 13, A.L. 1978 H.B. 1634)

Effective 1-2-79

\*Section 556.040 repealed by S.B. 60, 1977. Reference apparently should be to § 556.016, effective 1-1-79.

**Municipal records transmitted to county agency, when.**

66.200. The official responsible for law enforcement in any municipality in a first class county having a charter form of government shall cause an exact copy of all the police records of the municipality pertaining to all violations constituting felonies or misdemeanors punishable by a jail sentence except traffic violations which arose after January 1, 1960, to be delivered to the official or agency responsible for law enforcement in the unincorporated areas of the county within six months after October 13, 1963. After copies of all existing police records have been delivered to the county officer or agency, exact copies of subsequent municipal police records pertaining to such violations shall be transmitted to the county authority immediately after the information is obtained by the municipal police and all records of the county agency shall be available to the municipal police. Final disposition of the violations shall be transmitted to the county agency.

(L. 1963 p. 122 § 1)

Missouri Revised Statutes

Chapter 479

Municipal Courts and Traffic Courts

August 28, 2014

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**Violation of municipal ordinances, jurisdiction.**

479.010. Violations of municipal ordinances shall be heard and determined only before divisions of the circuit court as hereinafter provided in this chapter. "Heard and determined", for purposes of this chapter, shall mean any process under which the court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation, including, but not limited to, the use of a system of administrative adjudication as provided in section 479.011, preliminary to a

determination by appeal to the court in question.

(L. 1978 H.B. 1634, A.L. 2007 H.B. 795 merged with S.B. 22)

\*No continuity with § 479.010 as repealed by L. 1978 H.B. 1634.

(2010) City of Springfield's administrative proceeding to challenge ticket issued by automated traffic control system for running a red light is void under section. City of Springfield v. Belt, 307 S.W.3d 649 (Mo.banc).

**Administrative adjudication of certain code violations, certain cities--authorization, rules requirements--tribunal designated by ordinance, procedures--evidence reviewed--imprisonment and fines limited--judicial review, lien imposed, when.**

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

- (a) Any city not within a county;
- (b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county;
- (c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants; and
- (d) Any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants.

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

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

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the

parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

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

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

(L. 2004 H.B. 1407, A.L. 2007 H.B. 795 merged with S.B. 22, A.L. 2011 H.B. 142, A.L. 2012 S.B. 628)

**Municipal judges, selection, tenure, jurisdiction, qualifications, course of instruction.**

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

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

3. No person shall serve as a municipal judge of any municipality with a population



of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

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

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

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

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

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

(L. 1978 H.B. 1634, A.L. 1993 S.B. 88, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722 merged with S.B. 869, A.L. 2001 S.B. 267, A.L. 2004 H.B. 795, et al. merged with S.B. 1211)

**Municipalities, notification of circuit clerk--judges in office, terms.**

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

to such notification.

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

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

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.030 as repealed by L. 1978 H.B. 1634.

**Cities may elect where violations of municipal ordinances may beheard.**

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

(2) In lieu of electing to have all violations of municipal ordinances heard and determined before an associate circuit court or a county municipal court, a city, town, or village may, under subdivision (1) of this subsection, elect to have such court only hear and determine those violations of its municipal ordinances as may be designated on the information by the prosecutor as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the city, town, or village, provided that the associate circuit court or county municipal

court has established specialized dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as a mental health court, housing court, domestic violence court, family court, or DWI court, and such associate circuit court or county municipal court accepts such election by consent of the presiding judge or by county contract, as applicable, and further provided that upon a determination by the court that the accused does not have such special needs, the matter shall be transferred back to the municipal court.

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

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

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

(L. 1978 H.B. 1634, A.L. 1993 S.B. 177, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2012 S.B. 628 merged with S.B. 636)

**Municipalities may establish traffic violation bureau, procedure, costs.**

479.050. The municipal judge or judges, or, in those municipalities where the violations of municipal ordinances are heard and determined by an associate circuit judge, or judges, the associate circuit judge, or judges, may establish a traffic violations bureau in any municipality, and shall establish such a bureau when a request therefor is made by the governing body of the municipality. The traffic violations bureau shall operate under the supervision of the circuit court and those judges regularly hearing and determining municipal ordinance violation cases of the particular municipality and shall be operated in accordance with the rules of the supreme court and the rules of the circuit court. All expenses incident to the operation of the traffic violations bureau, including salaries of clerical personnel, shall be paid by the municipality. The municipality shall provide suitable quarters for the traffic violations bureau; and all fines and costs shall be paid into the municipal treasury; provided, however, that when a municipality's ordinance

violation cases are heard and determined by an associate circuit judge, or judges, provision may be made by circuit court rule for a traffic violation bureau to be operated by the staff available to the associate circuit judge and in such case fines and costs shall be paid over and distributed as provided in subsection 2 of section 479.080.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.050 as repealed by L. 1978 H.B. 1634.

**Clerks, courtroom, other employees--municipalities to provide for,when.**

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

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

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

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.060 as repealed by L. 1978 H.B. 1634.

**Duties and powers of municipal judge.**

479.070. The municipal judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceeding therein and he shall keep such other records as required. Such docket and records shall be records of the circuit court. The municipal judge shall deliver said docket and records and all books and papers pertaining to his office to his successor in office or to the presiding judge of the circuit. The municipal judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine or

imprison for contempt committed before such judge while holding court, in the same manner and to the same extent as a circuit judge.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.070 as repealed by L. 1976 S.B. 658.

**Fines and costs, where paid, deposited--supreme court may provide for uniform procedure.**

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

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

3. The supreme court by administrative rule may provide for uniform procedure, and reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise provided by such administrative rule, the municipal judge, or associate circuit judge hearing and determining violations of municipal ordinances, shall cause the clerk serving his division, within the first ten days of every month, to make out a list of all the cases heard or tried before the judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and the cases in which there was an application for trial de novo, respectively. Such clerk or the judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk of the municipality, who shall lay the same before the governing body or the municipality at its first session thereafter. The official collecting fines shall, within the ten days aforesaid, pay to the municipal treasurer the full amount of all fines collected by him during the preceding month if not previously paid to the municipal treasurer.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.080 as repealed by L. 1978 H.B. 1634.

**Prosecutions based on information only, proceedings.**

479.090. All prosecutions for the violation of municipal ordinances shall be

instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the supreme court rules governing practice and procedure in proceedings before municipal judges.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.090 as repealed by L. 1978 H.B. 1634.

**Warrants, how issued and executed.**

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

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.100 as repealed by L. 1976 S.B. 658.

**Arrest without warrants, procedure.**

479.110. The city marshal, chief of police or other police officer of any municipality shall, without a warrant, make arrests of any person who commits an offense in his presence, but such officer shall, before the trial, file a written complaint with the judge hearing violations of municipal ordinances.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.110 as repealed by L. 1978 H.B. 1634.

**Municipality to designate attorney to prosecute violations--duties.**

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

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.120 as repealed by L. 1976 S.B. 658.

**Trial by jury, when.**

479.130. Any person charged with the violation of a municipal ordinance of a city of the third or fourth class shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.130 as repealed by L. 1976 S.B. 658.

**Judge to be trier of fact, when.**

479.140. In any trial for the violation of a municipal ordinance, all issues of fact shall be tried by the judge except where trial by jury is authorized by law and the defendant or his attorney requests a trial by jury.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.140 as repealed by L. 1976 S.B. 658.

**Trial by jury, certification for assignment--exception, Springfield municipal court, when, procedure, costs.**

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

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

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

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

courts;

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

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

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

(L. 1978 H.B. 1634, A.L. 1984 H.B. 1142 & 894, A.L. 2001 S.B. 267)

**Witnesses, how summoned, fees.**

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

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

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.160 as repealed by L. 1976 S.B. 658.

**Municipal judge without jurisdiction, when, procedure.**

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

2. For purposes of this section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable



in municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section 577.023, or has had two or more previous alcohol-related enforcement contacts as defined in section 302.525.

(L. 1978 H.B. 1634, A.L. 2010 H.B. 1695, et al.)

**Beginning January 1, 2017--Intoxication-related traffic offenses, municipal judges to receive adequate instruction--written policy on timely disposition of cases--report required.**

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

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

3. Each municipal division of every circuit court in the state of Missouri shall prepare a report every six months. The report shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in its municipal court division. The municipal court division shall submit said report to the circuit court en banc. The report shall include the six-month period beginning January first and ending June thirtieth and the six-month period beginning July first and ending December thirty-first of each year. The report shall be submitted to the circuit court en banc no later than sixty days following the end 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.

(L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491)

\*Transferred 2014; formerly 577.006; Effective 1-01-17

**Commitment in county jail, when--duty of sheriff.**

479.180. If a municipality has no suitable and safe place of confinement, the defendant may be committed to the county jail by the judge, and it shall be the duty of the sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by

due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such sheriff for the keeping of other prisoners in his custody.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.180 as repealed by L. 1978 H.B. 1634.

**Parole or probation, when granted--certificate--conditions of probation--modification of conditions.**

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

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

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

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

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

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

(L. 1978 H.B. 1634, A.L. 1990 S.B. 497)

\*No continuity with § 479.190 as repealed by L. 1978 H.B. 1634.

**Appeals, trial de novo.**

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. 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. 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.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.200 as repealed by L. 1978 H.B. 1634.

### **Recognizances and forfeitures.**

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.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.210 as repealed by L. 1978 H.B. 1634.

### **Disqualification of judge, when, procedure.**

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

disqualification in the same case.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.220 as repealed by L. 1976 S.B. 568.

**Absence of judge, procedure.**

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

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

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

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

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

2. The presiding judge of the circuit court may appoint any other municipal judge within the circuit to act as a special interim municipal judge for a municipal judge of the

circuit who is absent, sick or disqualified from acting. The presiding judge shall act upon the request of those with authority to make such request under subsection 1 of this section.

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

(L. 1978 H.B. 1634, A.L. 1993 S.B. 88, A.L. 2005 H.B. 353)

**Fines, installments allowed.**

479.240. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.240 as repealed by L. 1978 H.B. 1634.

**Municipal ordinances, evidence of, judicial notice of.**

479.250. In the trial of municipal ordinance violation cases, a copy of a municipal ordinance which is certified by the clerk of the municipality shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the clerk serving the judge hearing a case and readily available for inspection by the parties, the judge may take judicial notice of such ordinance without further proof.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.250 as repealed by L. 1978 H.B. 1634.

**Court costs and fees, judicial education fund, purpose, administration.**

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

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

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

2. In municipal ordinance violation cases which are filed in the associate circuit division of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections 488.010 to 488.020. In the event a defendant pleads guilty or is found guilty, the judge shall 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. In the event a defendant is acquitted or the case is dismissed, the judge shall not assess costs against the municipality. The costs 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 costs 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 2 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.

3. A municipality, when filing cases before an associate circuit judge, shall not be required to pay fees.

4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal ordinance violation case.

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

6. Municipalities by ordinance may provide for a schedule of costs to be paid in

connection with pleas of guilty which are processed in a traffic violations bureau. If a municipality files its municipal ordinance violation cases before a municipal judge, such costs shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files its municipal ordinance violations cases in the associate circuit division of the circuit court, such costs shall not exceed the court costs authorized by subsection 2 of this section.

(L. 1978 H.B. 1634, A.L. 1982 S.B. 497, A.L. 1996 S.B. 869, A.L. 1997 S.B. 248, A.L. 2009 H.B. 237 & H.B. 238 & H.B. 482)

**Transfer or assignment of cases, procedure.**

479.270. If transferred by the supreme court or if assigned by the presiding judge of the circuit or pursuant to court rule, a circuit judge may hear municipal ordinance violation cases in those instances where provision is made in this chapter for such cases to be initially heard by an associate circuit judge and may exercise the other powers granted associate circuit judges by this chapter. Costs shall be assessed in the same amounts as if the cause was heard by an associate circuit judge. Such transfer or assignment may be on a case-by-case or general basis.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 479.270 as repealed by L. 1978 H.B. 1634.

**Traffic court may be established in twenty-first judicial circuit--appointment of judges--procedure and operation--jurisdiction--qualification of traffic judges, compensation--pleas without personal appearance--recording of proceedings--costs of establishment and operation.**

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

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

motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010 which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior to January 1, 2002, pursuant to sections 302.535 and 302.750.

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

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

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

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

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

7. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may



require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

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

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

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

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

(L. 1992 S.B. 529 § 1, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38)

### **Additional Statutes**

Missouri Revised Statutes

Chapter 50

County Finances, Budget and Retirement Systems

August 28, 2014

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**Estimates--contents--covering circuit judges, associate circuit judges, staffs, juvenile officers and juvenile court personnel.**

50.641. 1. The estimates of the circuit court referred to in section 50.640 which are to be included within the county budget by the budget officers and the county commissions without change shall include those categories of expenditures to support the operations of the circuit court which are attributable to the business of the circuit judges, associate circuit judges and the staffs serving such judges. Such estimates shall also include those categories of expenditures to support the operations of all juvenile officers and other juvenile court personnel within the circuit that are funded, in whole or in part, by the county.

2. Nothing contained in section 50.640 shall be construed as providing for the budgeting of county funds to fund the operation of municipal divisions of the circuit court.

(L. 1978 H.B. 1634, A.L. 1995 H.B. 274 & 268 merged with S.B. 352)

Missouri Revised Statutes

Chapter 57

Sheriffs

August 28, 2014

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**Process of courts in St. Louis City directed to sheriff of St. Louis City for service--exception.**

57.470. All process of the circuit court in said city of St. Louis, except the municipal divisions thereof, shall be directed to and executed by the sheriff of said city.

(RSMo 1939 § 15667, A. 1949 H.B. 2015, A.L. 1976 S.B. 658, A.L. 1978 H.B. 1634)

Prior revision: 1929 § 14719

Effective 1-2-79

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**Sources of fund--remittances--disbursements.**

57.955. 1. There shall be assessed and collected a surcharge of three dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of

any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall not include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases, shall collect and disburse such amounts as provided by sections 488.010 to 488.020\*. Such funds shall be payable to the sheriffs' retirement fund. Moneys credited to the sheriffs' retirement fund shall be used only for the purposes provided for in sections 57.949 to 57.997 and for no other purpose.

2. The board may accept gifts, donations, grants and bequests from public or private sources to the sheriffs' retirement fund.

(L. 1983 H.B. 81 § 57.960, A.L. 1984 S.B. 704, A.L. 1996 S.B. 869)

Effective 7-1-97

\*Original rolls contain "section 514.015" which was changed to effectuate the court cost bill.

#### Missouri Revised Statutes

#### Chapter 79

#### Fourth Class Cities

August 28, 2014

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#### **Board to set penalties, limitation.**

79.470. For all ordinance violations the board of aldermen may impose penalties not exceeding a fine of five hundred dollars and costs, or ninety days' imprisonment, or both the fine and imprisonment. Where the city and state have a penalty for the same offense, the board shall set the same penalty by ordinance as is set by statute, except that imprisonments, when made under city ordinances, may be in the city prison or workhouse instead of the county jail.

(RSMo 1939 § 7221, A.L. 1971 S.B. 299)

Prior revisions: 1929 § 7071; 1919 § 8521; 1909 § 9422

Missouri Revised Statutes

Chapter 217  
Department of Corrections  
August 28, 2014

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**Appropriate court defined.**

217.495. The phrase "appropriate court" as used in the agreement on detainers shall, with reference to the courts of this state, mean the state supreme court, the state court of appeals, and the state circuit courts except the probate or municipal divisions thereof.

(L. 1982 H.B. 1196 § 87)

Missouri Revised Statutes  
Chapter 302  
Drivers' and Commercial Drivers' Licenses  
August 28, 2014

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**Definitions.**

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

- (1) "Circuit court", each circuit court in the state;
- (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;
- (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
- (4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for

any offense related to alcohol, controlled substances, or drugs;

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

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

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

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

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

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

(11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;

(12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

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

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

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

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

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

mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

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

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

(20) "Restricted driving privilege", a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider;

(21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

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

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

(22) "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

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

(24) "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or

rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

(RSMo 1939 § 8443, A. 1949 S.B. 1111, A.L. 1951 p. 678, A.L. 1955 p. 621, A.L. 1961 p. 487, A.L. 1978 H.B. 1634, A.L. 1980 H.B. 995 & 1051, A.L. 1983 S.B. 44 & 45, A.L. 1984 H.B. 1575 Revision, A.L. 1986 S.B. 707, A.L. 1987 S.B. 114 merged with H.B. 384 Revision, A.L. 1988 H.B. 990, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 251, A.L. 1995 H.B. 717 merged with S.B. 24, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2002 H.B. 2062, A.L. 2007 S.B. 22, A.L. 2008 S.B. 930 & 947, A.L. 2012 H.B. 1402)

(2004) Golf cart is a "motor vehicle" as defined in section. Also, privately owned subdivision road open for use and used by public is a "highway" as defined in section. *Covert v. Fisher*, 151 S.W.3d 70 (Mo.App.E.D.).

## Missouri Revised Statutes

### Chapter 313

#### Licensed Gaming Activities

August 28, 2014

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#### **Definitions.**

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

- (1) "Breakage", the odd cents by which the amount payable on each dollar wagered

exceeds a multiple of ten cents;

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

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

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

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

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

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

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

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

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

## Missouri Revised Statutes

### Chapter 476

#### Courts--General Provisions

August 28, 2014

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#### **Courts of record.**

476.010. The supreme court of the state of Missouri, the court of appeals, and the



circuit courts shall be courts of record, and shall keep just and faithful records of their proceedings. Notwithstanding the foregoing, municipal divisions of the circuit courts shall not be considered courts of record, regardless of whether or not a verbatim record of proceedings before the division is kept.

(RSMo 1939 § 1990, A.L. 1945 p. 806, A.L. 1973 S.B. 263, A.L. 1978 H.B. 1634, A.L. 1997 S.B. 248, A.L. 2001 S.B. 267)

Prior revisions: 1929 § 1826; 1919 § 2323; 1909 § 3845

#### CROSS REFERENCES:

Effect of 1945 constitution on existing courts, Const. schedule § 4 (Schedule follows Const. Art. XII)

Judicial power, where vested, Const. Art. V § 1

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### **Court personnel defined--state court administration revolving fund created.**

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

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

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

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

5. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund, until the amount in the state courts administration revolving fund exceeds the greater of either one-half of the expenditures from the fund

during the previous year, or fifty thousand dollars.

(L. 1996 S.B. 869 § C-6, A.L. 2003 H.B. 613)

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**Expenditures of court to be paid out of county treasury--exceptions.**

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

(RSMo 1939 § 2102, A.L. 1945 p. 812, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1940; 1919 § 2438; 1909 § 3958

Effective 1-2-79

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**No judge or clerk to have partner--exception.**

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

(RSMo 1939 § 2026, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1862; 1919 § 2357; 1909 § 3879

Effective 1-2-79

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**Schedule of fines committee, appointment, duties, powers--associate circuit judges may adopt schedule--central violations bureau established--powers, duties.**

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104\*, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the

associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance either online or in person at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty

to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by

section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.

(L. 1996 S.B. 869 § C-8, A.L. 1997 S.B. 248, A.L. 1999 S.B. 1, et al., A.L. 2003 H.B. 613, A.L. 2009 H.B. 683, A.L. 2013 S.B. 23)

Effective 3-03-14

\*Section 210.104 was repealed by S.B. 872, et al., 2006.

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### **Definitions.**

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

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

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

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

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

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

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

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

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

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

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

(L. 1978 H.B. 1634)

Effective 1-2-79

## Missouri Revised Statutes

### Chapter 477

#### Supreme Court and Court of Appeals

August 28, 2014

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#### **Judicial finance commission members, terms, vacancies, compensation--powers, duties, staff.**

477.600. 1. There is hereby created within the judicial department a "Judicial Finance Commission". The commission shall be composed of seven members appointed by the supreme court. At least one member of the commission shall be a member of a county governing body from a county of the third class, one member of the commission shall be a member of the county governing body of a county of the first class, and one member of the commission shall be a member of a county governing body from any class of county. The supreme court shall designate one member to serve as chairman and one member as vice chairman. The vice chairman shall preside in the absence of the chairman.

2. The members of the commission shall serve for terms of three years and until their successors are appointed and qualified; except that of the initial members appointed, three

shall serve for terms of one year, two shall serve for terms of two years and two shall serve for terms of three years, as designated by the court.

3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve the unexpired portion of the term and may be appointed to successive terms.

4. The commission shall promulgate rules of procedure which shall become effective upon approval by the supreme court. The supreme court may adopt such other rules as it deems appropriate to govern the procedures of the commission.

5. The commission shall:

(1) Examine the budget request of the circuit court upon the petition by the county governing body as provided in section 50.640 or any budget or item in the budget estimated by the court including, but not limited to, compensation of deputy sheriffs and assistants, as set forth in section 57.250;

(2) Issue a written opinion addressed to the presiding circuit judge and the presiding officer of the county. The opinion shall state the conclusions of the commission as to the reasonableness of the circuit court budget request. The opinion of the commission shall state clearly the reasons for its decision. Any member of the commission who disagrees with the commission's findings may file a minority report;

(3) Maintain accurate records of the cost and expenses of the judicial and law enforcement agencies for each county;

(4) Submit an annual report to the governor, general assembly, and supreme court on the finances of the judicial department. The report shall examine both the revenues of the department and the expenses of the department. The report shall include the information from all divisions of the circuit court of each county including the circuit, associate circuit, probate, juvenile and municipal divisions. The information shall be reported separately except where the divisions are combined or consolidated. In lieu of separate publication, the supreme court may direct the annual report described in this subdivision to be consolidated with any annual report prepared by the supreme court or the office of state courts administrator, provided that such report is distributed to the parties described in this subdivision.

6. In discharging its responsibilities, the commission may:

(1) Conduct public hearings, take testimony, summon witnesses, and subpoena records and documents;

(2) Conduct surveys and collect data from county governments and the circuit courts on the operations of the judicial and law enforcement agencies in each county. The commission and its staff shall be granted access at any reasonable time to all books, records, and data the commission deems necessary for the administration of its duties;

(3) Within the limits of appropriations made for the purpose, appoint special

committees, accept and expend grant funds, and employ consultants and others to assist the commission in its work.

7. Upon receipt of the written opinion of the commission or upon refusal of the commission to accept a petition for review, the circuit court or the county governing body may seek a review by the supreme court by filing a petition for review in the supreme court within thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the supreme court, then the recommendation of the commission shall take effect notwithstanding the provisions of section 50.600. If the commission refused to review a petition and no petition is filed in the supreme court, the circuit court budget is approved as submitted to the county governing body. The supreme court shall consider the petition for review de novo.

8. The commission shall meet as necessary at the call of the chairman or on written request of four members. Four members constitute a quorum for the transaction of business. Upon request of the chairman, the supreme court may appoint a temporary replacement for any commissioner who is unable to hear a case or who is disqualified from any case. No member of the commission shall participate in any proceeding involving the county or circuit where the member resides.

9. Members of the commission shall receive no compensation for their services but shall be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses incurred in the performance of their duties.

10. The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose. The commission may also employ court reporters as necessary to take testimony at hearings held pursuant to section 50.640. The reporters shall be compensated at a rate established by the commission out of any funds appropriated for this purpose.

(L. 1982 S.B. 497 § 2, A.L. 1995 H.B. 274 & 268 merged with S.B. 352, A.L. 1997 S.B. 248, A.L. 2003 H.B. 613 merged with S.B. 465, A.L. 2009 H.B. 237 & H.B. 238 & H.B. 482)

Missouri Revised Statutes

Chapter 478

Circuit Courts

August 28, 2014

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### **Circuit courts--counties and City of St. Louis to provide quarters.**

478.035. The counties and the city of St. Louis shall provide suitable quarters for the respective circuit courts, including all divisions thereof except divisions presided over by municipal judges. Such quarters shall be provided at the county seat, except in the following situations:

(1) Except as provided in section 478.038, in counties where provision was made on January 1, 1979, for a county to provide quarters for the circuit court or the courts replaced by divisions of the circuit court at a location other than at the county seat, the county shall continue to provide suitable quarters for the respective divisions of the circuit court at such additional locations.

(2) The county commission may, by proper order, provide additional quarters for divisions of the circuit court at additional locations outside the county seat.

(L. 1978 H.B. 1634, A.L. 1995 H.B. 239)

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### **Circuit and associate circuit judges, jurisdiction, restrictions.**

478.220. Circuit judges and associate circuit judges may hear and determine all cases and matters within the jurisdiction of their circuit courts, subject however, to the following restrictions:

(1) Circuit judges shall not hear and determine municipal ordinance violation cases, except upon trial de novo, unless the judge be transferred or assigned to hear and determine the case or that class of case pursuant to section 478.240 or 478.245, or section 6 of article V of the constitution; and

(2) Each circuit judge or associate circuit judge who serves as the judge of the probate division of the circuit court may hear and determine all cases and matters within the probate division of the circuit court in the county for which he is judge in accordance with the rules of civil procedure, except where specific statutes govern procedure in the probate division; and

(3) The provisions of this section authorizing the hearing and determination of particular cases or classes of cases by circuit judges and associate circuit judges shall be subject to the transfer, assignment, and disqualification provisions contained in article V of the constitution, in provisions of law, or in court rules which are authorized by the constitution or by law.

(L. 1978 H.B. 1634, A.L. 1989 S.B. 127, et al.)

\*No continuity with § 478.220 as repealed by L. 1978 H.B. 1634.

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**Municipal judges, jurisdiction--cases subject to transfer.**

478.230. A municipal judge may hear and determine municipal ordinance violation cases of the municipality or municipalities making provision for the particular municipal judge. The provisions of this section authorizing the hearing and determination of particular cases or classes of cases by municipal judges shall be subject to the transfer, assignment, and disqualification provisions contained in article V of the constitution, in provisions of law, or in court rules which are authorized by the constitution or by law.

(L. 1978 H.B. 1634)

Effective 1-2-79

\*No continuity with § 478.230 as repealed by L. 1978 H.B. 1634.

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**Presiding judge, term, selection procedures--chief justice of supreme court may remove presiding judge, designate acting judge--authority to assign cases, exception--judge hears case not properly assigned, effect.**

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

2. Subject to the authority of the supreme court and the chief justice under Article V of the constitution, the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit, including the authority to assign any judicial or court personnel anywhere in the circuit, and shall have the authority to assign judges to hear such cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include

the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases. By this subsection the presiding judge shall not, however, be authorized to make the following assignments:

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

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

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

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

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

(L. 1978 H.B. 1634, A.L. 1987 H.B. 222, A.L. 1989 S.B. 127, et al., A.L. 1993 S.B. 88, A.L. 2014 S.B. 621)

Effective 2-3-95

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**Circuit courts may adopt local court rules--procedure--restrictions--role of associate circuit judges.**

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

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

(2) Filing (including the place of filing) and assignment systems for the circuit court of each county which may include: (a) centralized filing procedures for cases which are heard by circuit judges; (b) centralized assignment procedures or individualized docketing procedures for cases or classes of cases which are heard by circuit judges; and (c) filing and assignment procedures for cases which are heard by municipal judges.

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

(1) Shall provide for assignments which a presiding judge is prohibited from making by subdivisions (1), (2) and (4) of subsection 2 of section 478.240 or which are contrary to provisions of supreme court rules;

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

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

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

4. Subject to the provisions of article V of the constitution and authority exercised under such provisions, a majority of circuit and associate circuit judges of the circuit by order may provide for: (1) centralized filing or divisional filing of cases or classes of cases which are heard by associate circuit judges; and (2) centralized assignment procedures or individualized docketing procedures of cases or classes of cases which are heard by associate circuit judges. A copy of each such order certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court,

and shall not become effective until so filed.

(L. 1978 H.B. 1634, A.L. 1985 S.B. 5, et al., A.L. 1989 S.B. 127, et al.)

\*No continuity with § 478.245 as repealed by L. 1978 H.B. 1634.

## Missouri Revised Statutes

### Chapter 483

#### Clerks of Courts of Record and Court Records

August 28, 2014

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#### **Allowances, how paid.**

483.060. All such allowances made to the clerks of the supreme court and the districts of the Missouri court of appeals shall be paid by the state, and those made to circuit and division clerks by the proper county except as otherwise provided by law. Allowances for clerks serving municipal divisions of the circuit court shall be paid by the municipality served by the clerk.

(RSMo 1939 § 13292, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 11673; 1919 § 2119; 1909 § 2682

Effective 1-2-79

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#### **Other clerks, duties.**

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

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

3. Municipal clerks shall constitute the clerical staff of the circuit court to perform the recordkeeping functions in the municipal divisions.

4. Municipal clerks shall perform the clerical functions in the traffic violation bureaus in those municipalities which have a municipal judge or judges. Clerical

personnel of the municipality shall perform the clerical functions of the traffic violation bureaus in those municipalities which have no municipal judges.

(L. 1978 H.B. 1634)

Effective 1-2-79

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**Municipal clerks, selection, tenure, compensation--limitation on compensation.**

483.246. The selection, tenure and compensation of municipal clerks shall be as provided by the municipality involved; provided, however, that the compensation of municipal clerks shall not be predicated upon the amount of fines levied or the number of guilty pleas or adjudications of guilt in causes processed through the municipal divisions or the traffic violations bureaus which they serve.

(L. 1978 H.B. 1634)

Effective 1-2-79

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**Records of municipal courts transferred, when, how.**

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

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

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

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

2. If physical custody of such records which belonged to a municipal court on January 1, 1979, is not transferred or ordered to be transferred as provided in subdivision (1), (2) or (3) of subsection 1 of this section by January 1, 1982, such records shall cease

to be records of the circuit court, shall be considered thereafter as records of the particular municipality, and may or may not be disposed of as determined by the municipality.

3. If physical custody of such records is transferred as provided in subdivision (1), (2) or (3) of subsection 1 of this section, the clerk having custody of such records is authorized to issue certified copies of such municipal court records as well as copies of later municipal ordinance violation cases in his possession, and all courts of this state shall recognize such certified copies as if made by a clerk of the original court.

(L. 1978 H.B. 1634)

Effective 1-2-79

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**Clerks to charge, collect court costs, when.**

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

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

(2) Court costs in a case while it pends in a municipal division of the circuit court, 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;

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

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

3. In divisions presided over by associate circuit judges for which the circuit clerk is not responsible for collecting court costs as hereinabove provided, the associate circuit judge shall designate by order entered of record a division clerk who shall be responsible for the collection of all court costs with respect to cases in the division; or if there be a centralized filing and docketing system for two or more divisions presided over by an associate circuit judge, then a division clerk or clerks shall be designated in accordance

with the provisions of local circuit court rule by an order which shall be entered of record, and if there be no such rule adopted, then a majority of the associate circuit judges being served shall designate a division clerk or clerks who shall be responsible for the collection of all court costs with respect to cases in the divisions served by the centralized filing and docketing system.

4. Notwithstanding the provisions of subsections 1, 2 and 3 of this section, by vote of all judges, circuit and associate circuit, of a circuit court, en banc, the circuit court may adopt a system by local circuit rule whereby the circuit clerks within the circuit shall have administrative control over and be responsible for the charging and collection of all court costs accruing to the court other than court costs in a case while it pends in the municipal divisions of the circuit court, 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. The chief division clerk for the probate divisions of the circuit court may be designated by the local circuit rule to charge and collect every court cost accruing to the probate divisions of the circuit court to which it may be entitled under the law, under the supervision of the circuit clerk.

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

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

(L. 1978 H.B. 1634, A.L. 1985 H.B. 320, A.L. 1996 S.B. 869, A.L. 2004 S.B. 1211)

\*No continuity with § 483.550 as repealed by L. 1978 H.B. 1634.

## Missouri Revised Statutes

### Chapter 488

### Court Costs

August 28, 2014

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#### **Overpayment of court costs, no duty to refund, when.**

488.014. No court of record in this state, municipal division of the circuit court, or any entity collecting court costs on their behalf shall be required to refund any



overpayment of court costs in an amount not exceeding five dollars or to collect any due court costs in an amount of less than five dollars. Any such overpaid funds may be retained by the county for the operation of the circuit court, except any overpaid funds owed to a municipal division of the circuit court may be retained by the municipality for the operation of the municipal court.

(L. 2005 S.B. 420 & 344, A.L. 2014 H.B. 1231)

**Circuit No. 37, additional surcharge for a county or municipal judicial facility.**

488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirty-first judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge.

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal judicial facility including, but not limited to, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively.

(L. 2014 H.B. 1231 merged with H.B. 1238 merged with S.B. 621)

**Additional court cost imposed, municipal ordinance violations--waiver,when--collection (St. Louis City).**

488.2210. 1. In addition to all other court costs for municipal ordinance violations, any city not within a county may provide for additional court costs in an amount up to twenty dollars per each case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. The judge may waive the assessment of the cost in those cases where the

defendant is found by the judge to be indigent and unable to pay the cost.

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

(L. 2001 S.B. 267 § 2)

**Additional \$5 court cost imposed, municipal ordinance violations--waiver, when--collection (St. Louis City).**

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

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

3. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the restoration, maintenance and upkeep of the municipal courthouses. The costs collected may be pledged to directly or indirectly secure bonds for the cost of restoration, maintenance and upkeep of the courthouses.

(L. 2001 S.B. 267 § 3)

**Violation of ordinances, municipal court cases, additional court costs, certain cities (Kansas City and Springfield).**

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

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

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

(L. 2003 H.B. 599, A.L. 2005 H.B. 58)

**Municipal ordinance violations, additional court costs (Kansas City).**

488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars

per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

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

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts.

(L. 2013 S.B. 100)

**Kansas City, additional surcharge for municipal courthouses.**

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

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

3. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the restoration, maintenance and upkeep of the municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of restoration, maintenance and upkeep of the courthouse.

\*4. The provisions of this section shall expire August 28, 2021.

(L. 2014 H.B. 1238)

\*Expires 8-28-21

**City of Florissant, additional surcharge for a municipal courthouse.**

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

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

purchase, construction, maintenance, and upkeep of the courthouse.

(L. 2014 H.B. 1231)

**Fees for appeal transcript of testimony--judge may order transcript,when.**

488.2250. 1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

(RSMo 1939 § 13344, A.L. 1951 p. 447, A.L. 1955 p. 499, A.L. 1965 p. 652, A.L. 1971 H.B. 361, A.L. 1978 H.B. 1634, A.L. 1985 S.B. 5, et al., A.L. 1993 S.B. 88, A.L. 2000 S.B. 1002 Revision, A.L. 2007 S.B. 163, A.L. 2013 H.B. 374 & 434 merged with S.B. 100)

Prior revisions: 1929 § 11722; 1919 § 12671

\*Transferred 2000; formerly 485.100

**Fees, amount, payment.**

488.2253. In every contested case, or case in which the evidence is to be preserved, except for the collection of delinquent or back taxes, before any circuit judge when an official court reporter is appointed, the clerk of said court shall tax up the sum of fifteen dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the state.

(RSMo 1939 § 13346, A.L. 1951 p. 447, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 88, A.L. 2000 S.B. 1002 Revision)

Prior revisions: 1929 § 11724; 1919 § 12673; 1909 § 11234

\*Transferred 2000; formerly 485.120

**Additional surcharge authorized for criminal cases (Greene, Cass, and Jefferson counties), violations of county and city ordinances, exceptions--use of revenue.**

488.2275. 1. In addition to all other court costs prescribed by law, a surcharge of ten dollars shall be assessed as costs in each court proceeding filed in any court in the state located within a county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification, and in any county of the first classification having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, and in any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including infractions, except that no such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed as provided by sections 488.010 to 488.020 and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received under this section only to pay for the costs associated with the operation of the county judicial facility including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

(L. 1994 S.B. 700 § 2, A.L. 1996 S.B. 869, A.L. 2000 S.B. 1002 Revision, A.L. 2004 S.B. 1211)

\*Transferred 2000; formerly 483.591

Missouri Revised Statutes  
Chapter 506  
Commencement of Actions and General Provisions  
August 28, 2014

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**Citation of code--to govern certain procedures.**

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

(L. 1943 p. 353 § 2, A.L. 1978 H.B. 1634, A.L. 1985 S.B. 5, et al.) Effective 1-1-87

Missouri Revised Statutes  
Chapter 511  
Judgments  
August 28, 2014

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**Liens on real estate established by judgment or decrees in courts of record, exception--associate circuit court, procedure required--no administrative amendments.**

511.350. 1. Judgments and decrees entered by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any circuit court and any probate division of the circuit court, except judgments and decrees rendered by associate, small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are entered, situate in the county for which or in which the court is held.

2. Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151.

3. Judgments and decrees entered by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

4. Notwithstanding any other provision of law, no judgments or decrees entered by any court of competent jurisdiction may be amended or modified by any administrative agency without the approval of a court of competent jurisdiction.

5. Notwithstanding subsection 4 of this section or any other law to the contrary, no judgments or decrees entered by any court of competent jurisdiction relating to child support orders may be amended or modified by any administrative agency without the approval of a court of competent jurisdiction.

(RSMo 1939 § 1269, A. 1949 H.B. 2119, A.L. 1973 S.B. 263, A.L. 1982 S.B. 484, A.L. 2001 S.B. 10, A.L. 2003 H.B. 613, A.L. 2007 S.B. 25)

Prior revisions: 1929 § 1103; 1919 § 1554; 1909 § 2123

## Missouri Revised Statutes

### Chapter 512

#### Appeals and Appellate Procedure

August 28, 2014

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#### **Appeals from cases tried before associate circuit judge.**

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

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record

or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

(L. 1978 H.B. 1634, A.L. 1984 S.B. 602, A.L. 1985 S.B. 5, et al., A.L. 2001 S.B. 267, A.L. 2003 H.B. 613, A.L. 2004 S.B. 1211, A.L. 2014 H.B. 1410 merged with S.B. 655)

Missouri Revised Statutes

Chapter 559

Probation

August 28, 2014

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**Municipal ordinance violations, probation may be contracted for by municipal courts, procedure--cost to be paid by offenders, exceptions.**

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

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



(L. 1992 S.B. 540 § 1 subsecs. 4, 5, A.L. 2005 H.B. 58 merged with H.B. 353)

Missouri Revised Statutes

Chapter 577

Public Safety Offenses

August 28, 2014

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**Until December 31, 2016--Chapter definitions.**

577.001. 1. As used in this chapter, the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041.

(L. 1982 S.B. 513, A.L. 1986 H.B. 1531, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2005 H.B. 972 merged with S.B. 37, et al.)

\*This section was amended by S.B. 491 and further amended by H.B. 1371, 2014, effective 1-01-17. Due to the delayed effective date, both versions of this section are printed here.

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**Until December 31, 2016--Intoxication-related traffic offenses, municipal judges to receive adequate instruction--written policy on timely disposition of cases--report required.**

577.006. 1. Each municipal judge shall receive adequate instruction on the laws related to intoxication-related traffic offenses as defined in section 577.023 including jurisdictional issues related to such offenses, reporting requirements to the highway patrol central repository as set out in section 43.503 and required assessment for offenders under the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a written policy requiring that municipal court personnel timely report all dispositions of all charges for intoxication-related traffic offenses to the central repository.

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

3. Each municipal division of every circuit court in the state of Missouri shall prepare a report every six months. The report shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in its municipal court division. The municipal court division shall submit said report to the circuit court en banc. The report shall include the six-month period beginning January first and ending June thirtieth and the six-month period beginning July first and ending December thirty-first of each year. The report shall be submitted to the circuit court en banc no later than sixty days following the end 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.

(L. 2010 H.B. 1695, et al.)

Transferred 2014; now 479.172; Effective 1-01-17