

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 340

96TH GENERAL ASSEMBLY

1075L.01T

2011

AN ACT

To repeal sections 49.310, 478.711, and 483.420, RSMo, and to enact in lieu thereof three new sections relating to the erection and maintenance of jails, with an emergency clause for a certain section.

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

Section A. Sections 49.310, 478.711, and 483.420, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 49.310, 478.711, and 483.420, to read as follows:

49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except, that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 at more than one site, if the amount of the proposed expenditures at each of the sites is
17 specifically set out therein.

18 2. The county commission in all counties of the fourth classification and any county of
19 the third, **second, or first** classification [with a population of at least fourteen thousand and not
20 more than fourteen thousand five hundred inhabitants bordering a county of the first
21 classification without a charter form of government with a population of at least eighty thousand
22 and not more than eighty-three thousand inhabitants] may provide for the erection and
23 maintenance of a good and sufficient jail or holding cell facility at a site in the county other than
24 at the established seat of justice.

478.711. 1. Within Cape Girardeau County the circuit court [shall] **may** hold court in
2 the courthouses at Jackson and at Cape Girardeau, and while holding court at Jackson may be
3 known as the "Circuit Court of Cape Girardeau County at Jackson" and while holding court at
4 Cape Girardeau may be known as the "Circuit Court of Cape Girardeau County at Cape
5 Girardeau". All matters which are handled by circuit judges or associate circuit judges of the
6 circuit court of Cape Girardeau County may be handled at either of the locations.

7 2. The probate division of the circuit court of Cape Girardeau County [shall] **may**
8 maintain an office at the courthouse in Jackson and an office at the courthouse in Cape
9 Girardeau.

483.420. The circuit clerk of Cape Girardeau County [shall] **may** maintain and staff
2 offices at the courthouses in Jackson and Cape Girardeau.

Section B. Because immediate action is necessary to protect the citizens of this state, the
2 repeal and reenactment of section 49.310 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
5 of section 49.310 of section A of this act shall be in full force and effect upon its passage and
6 approval.

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