

FIRST REGULAR SESSION

HOUSE BILL NO. 53

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WARD AND CRUMP (Co-sponsors).

Pre-filed December 1, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0174L.021

AN ACT

To repeal section 478.320, RSMo 2000, relating to the number of associate circuit judges, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 478.320, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 478.320, to read as follows:

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges; **except that, in any county of the fourth classification having a population greater than forty-eight thousand inhabitants, two correctional facilities and a state mental health center, there shall be three associate circuit judges.** In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

3. Except in circuits where associate circuit judges are selected under the provisions of

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

17 sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall
18 in all respects be conducted as other elections and the returns made as for other officers.

19 4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate
20 circuit judges shall be elected by the county at large.

21 5. No associate circuit judge shall practice law, or do a law business, nor shall he **or she**
22 accept, during his **or her** term of office, any public appointment for which he **or she** receives
23 compensation for his **or her** services.

24 6. No person shall be elected as an associate circuit judge unless [he] **such person** has
25 resided in the county for which he **or she** is to be elected at least one year prior to the date of his
26 **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may
27 file for election and be elected notwithstanding the provisions of this subsection.