

SECOND REGULAR SESSION

HOUSE BILL NO. 2406

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOSLEY.

5155H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 476, RSMo, by adding thereto one new section relating to the issuance of judgments by the court, with penalty provisions.

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

Section A. Chapter 476, RSMo, is amended by adding thereto one new section, to be known as section 476.1010, to read as follows:

476.1010. 1. Orders and judgments on motions, hearings, and trials for cases filed in Missouri circuit courts shall be reduced to writing and entered by the court within thirty days after such matter is fully briefed in writing, or, if heard on oral argument, upon conclusion of any hearing or trial after such matter is fully briefed and submitted to the court or a commissioner of the court; however, for good cause shown, the court or commissioner, by written order citing the cause for the extension on the record, may extend the time for entry of the written order or judgment for an additional thirty days, and for one additional thirty-day period, to a maximum of ninety days from the date the matter, motion, hearing, trial, verdict, or case was taken under submission.

2. Within ten days after the court receives a request from a party for a hearing date on a motion that shall be heard on the record or a request for a trial date, the court or commissioner shall set a fixed date and time for hearing such motion or trial on any cases pending before the court. No hearing or trial date shall be continued generally, but the court shall continue the hearing or the trial to a date certain but is no greater than ninety days from the previous trial or hearing date; however, the case shall be finally disposed under the time frames as provided in subsection 3 of this section.

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

17 **3. Within sixty days after process has been served upon at least one of the**
18 **defendants, the court, upon consultation with the parties over whom the court has personal**
19 **jurisdiction, shall establish a track for each case pending in the court. During the**
20 **proceedings, the court may, upon consultation with the parties, reassign a case to a**
21 **different track from the initial track to which it had been assigned. The time for final**
22 **disposition of cases by judgment on the merits or by dismissal, after the date on which the**
23 **first defendant or respondent has been personally served process, shall be as follows:**

24 **(1) Civil circuit:**

25 **(a) Track one, twelve months;**

26 **(b) Track two, twenty-four months;**

27 **(c) Track three, thirty months; and**

28 **(d) Track four, thirty-six months;**

29 **(2) Domestic relations:**

30 **(a) Track one, four months;**

31 **(b) Track two, ten months;**

32 **(c) Track three, fourteen months; and**

33 **(d) Track four, eighteen months;**

34 **(3) Associate civil:**

35 **(a) Track one, four months;**

36 **(b) Track two, six months;**

37 **(c) Track three, twelve months; and**

38 **(d) Track four, sixteen months;**

39 **(4) Circuit criminal:**

40 **(a) Track one, four months;**

41 **(b) Track two, ten months;**

42 **(c) Track three, fourteen months; and**

43 **(d) Track four, eighteen months; and**

44 **(5) Associate criminal:**

45 **(a) Track one, three months;**

46 **(b) Track two, six months;**

47 **(c) Track three, eight months; and**

48 **(d) Track four, twelve months.**

49 **4. The Missouri supreme court, by administrative operating rule, shall establish**
50 **case processing time standards to ensure the prompt and fair disposition of cases filed in**
51 **Missouri circuit courts. Such administrative operating rules shall fix the maximum time**
52 **by which a court or commissioner shall enter written rulings, orders, and judgments of the**

53 court on motions, hearings, and trials after being submitted to the court or commissioner
54 and the maximum amount of time that a case shall be disposed after being filed and final
55 judgment entered therein. Such administrative operating rules may extend or modify the
56 time standards set forth in subsections 1 to 3 of this section.

57 **5. Upon failure, refusal, or neglect of a judge or commissioner to comply with the**
58 **time standards set forth in this section or as established by the supreme court, a party to**
59 **a proceeding pending in a circuit court may seek mandamus as provided by the supreme**
60 **court rules to compel issuance of orders and judgments and the setting of hearings and**
61 **trials in compliance with the time standards set forth in this section or as established by the**
62 **supreme court.**

63 **6. Except for exceptional circumstances shown, all judges and commissioners of the**
64 **circuit courts who violate the provisions or requirements relative to the time within which**
65 **they shall render decisions or set hearings or trials as provided in this section shall be fined**
66 **at the rate of one hundred dollars per day for each day on which they fail to issue or enter**
67 **a written order or judgment or set hearings or trials in violation of the time standards set**
68 **forth in this section or as established by the supreme court and shall, for multiple**
69 **violations, be subject to removal, suspension, fine, or other forms of discipline for willful**
70 **neglect of duty under Article V, Section 24 of the Constitution of Missouri.**

71 **7. Any interested party, official, or member of the public may notify the**
72 **commission on retirement, removal, and discipline of judges of any failure on the part of**
73 **a judge or commissioner to enter a written order or judgment or set hearings or trials**
74 **within the time frames prescribed within this section or as established by the supreme**
75 **court. Upon an appellate court or the supreme court issuing a writ of mandamus**
76 **mandating compliance with the time standards within this section or as established by the**
77 **supreme court, the clerk of such court shall notify the commission on retirement, removal,**
78 **and discipline of judges of the issuance of such mandate. Upon receipt of such notices, the**
79 **commission shall issue an order for the judge or commissioner to show cause as to why the**
80 **judge or commissioner shall not be penalized as set forth in subsection 6 of this section for**
81 **willful neglect of duty. After such notice and hearing, if the commission finds against the**
82 **judge or commissioner, the commission shall recommend that the supreme court order the**
83 **payment by such judge or commissioner the sum of one hundred dollars per day for each**
84 **day on which the judge or commissioner fails or had failed to issue or enter a written order**
85 **or judgment or set a hearing or trial in violation of the time standards set forth in this**
86 **section or as established by the supreme court, which amounts shall be paid into the public**
87 **school fund of the state. Upon a finding that a judge or commissioner has been guilty of**
88 **multiple violations of time standards, the commission may recommend that such judge or**

89 **commissioner be removed, suspended, fined, or disciplined for willful neglect of duty under**
90 **Article V, Section 24 of the Constitution of Missouri.**

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