

HB 737 -- Crime

Sponsor: Riback Wilson (25)

This bill makes several changes in the laws governing the criminal justice system. The bill:

- (1) Requires that all interviews of suspects or witnesses in homicide investigations be taped when they are conducted in a police station;
- (2) Requires police to record any interview with a person who appears to suffer from some form of mental retardation and requires that all questions posed to the person not be leading so as to unduly suggest the answer;
- (3) Requires prosecutors to obtain a sworn affidavit from any witness testifying about admissions made by a defendant while the defendant and the witness were incarcerated. The affidavit must be obtained at least seven days before the witness testifies and must set forth a list of facts, including the consideration provided by the prosecution for the witness's cooperation and whether the witness has testified in any other cases previously. The Department of Public Safety must keep a registry of all these witnesses and retain copies of these affidavits;
- (4) Requires police to provide to the prosecutor a complete list of all pieces of evidence, as well as the name and contact information for all witnesses. This list must be certified and provided to the prosecutor within 10 days of the presentment of the investigation to the prosecutor. The police must update the list every 30 days until the case is closed;
- (5) Makes admissible any test that has been conducted on the defendant, whether it be exculpatory or inculpatory;
- (6) Requires the department to provide all law enforcement in the state with a standardized eyewitness evidence form. The form must be used whenever the witness did not know the suspect at the time of the crime. The department must promulgate an eyewitness evidence protocol regarding the viewing of suspect line-ups or photo-spreads. A violation of the protocol will require that the jury be instructed as to the risks of mistaken eyewitness identification. If eyewitness testimony is provided at trial, the jury must be instructed as to its reliability;
- (7) Requires the preservation of any evidence that can be tested for DNA, when the evidence was used in any felony conviction. Current law requires preservation only with convictions for a sex offense or a crime against a person;

(8) Creates a State Crime Laboratory Oversight Committee, composed of seven persons with a legal, medical, or law enforcement background, appointed by the Governor. The committee will have the authority to issue public reprimands or sanction a laboratory or its personnel for violations of scientific testing protocol. The bill creates a \$5 surcharge to be assessed in all criminal cases for the Missouri Laboratory Oversight Committee Revolving Fund. This fund will also pay for the DNA testing of incarcerated persons, the purchasing of new equipment for the crime labs, and the providing of training for crime lab personnel, as the committee may direct;

(9) Requires crime labs to keep records for seven years, including their technician lab notes, methodology, protocols, auditing procedures, proficiency testing results, and any equipment testing or calibration records; and

(10) Requires the department to promulgate a standard salary compensation level for all law enforcement officers in the state and post its recommendations on the department's web site.