

FIRST REGULAR SESSION

HOUSE BILL NO. 935

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GOODMAN (Sponsor) AND WASSON (Co-sponsor).

Read 1st time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2166L.011

AN ACT

To repeal section 56.363, RSMo, and to enact in lieu thereof one new section relating to county prosecutors.

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

Section A. Section 56.363, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.363, to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in County?

☐ Yes ☐ No

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who

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 is elected at the next election subsequent to the passage of such proposal is sworn into office.

18 2. The provisions of subsection 1 of this section notwithstanding, in any county where
19 the proposition of making the county prosecutor a full-time position was submitted to the voters
20 at a general election in 1998 and where a majority of the voters voting on the proposition voted
21 in favor of making the county prosecutor a full-time position, the proposition shall become
22 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May
23 1, 1999, under the provisions of this subsection shall have the additional duty of providing not
24 less than three hours of continuing education to peace officers in the county served by the
25 prosecuting attorney in each year of the term beginning January 1, 1999.

26 3. In counties that, prior to August 28, 2001, have elected pursuant to this section to
27 make the position of prosecuting attorney a full-time position, the [county commission may at
28 any time elect to have that] position **shall** also qualify for the retirement benefit available for a
29 full-time prosecutor of a county of the first classification. [Such election shall be made by a
30 majority vote of the county commission and once made shall be irrevocable.] When such an
31 election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit
32 attorneys' retirement system fund, and the election shall be effective on the first day of January
33 following such election. Such election shall also obligate the county to pay into the Missouri
34 prosecuting attorneys and circuit attorneys' system retirement fund the same retirement
35 contributions for full-time prosecutors as are paid by counties of the first classification.