

HB 557 -- Criminal Justice System

Sponsor: Baker (25)

This bill changes the laws regarding the criminal justice system. In its main provisions, the bill:

(1) Requires a \$5 surcharge to be assessed in all criminal cases, including traffic violation infractions. The surcharge will be used to fund the Missouri Laboratory Oversight Committee Revolving Fund and the Justice Improvement Fund;

(2) Requires that all interviews of suspects or witnesses in homicide investigations be electronically recorded when they are conducted in a police station;

(3) Requires any interview of a person who appears to suffer from some form of mental retardation be electronically recorded when the interview occurs in a police facility and is related to a felony. If the person is under the age of 12 or if the peace officer reasonably believes that the person has significant learning disabilities, the questions posed to that individual may not be leading;

(4) 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 which lists the facts, including the consideration provided by the prosecution for the witness's cooperation and whether the witness has testified in any other cases, must be obtained at least seven days before the witness testifies. The Department of Public Safety must keep a registry of all these witnesses and retain copies of these affidavits;

(5) 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;

(6) Requires the department to provide all law enforcement in the state with a standardized eyewitness evidence form that 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 used in any felony conviction. Currently, only convictions for a sex offense or a crime against a person are required to be preserved;

(8) Establishes the 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 to sanction a laboratory or its personnel for violations of scientific testing protocols;

(9) Creates the State Crime Laboratory Oversight Committee Revolving Fund which will pay for, upon committee approval, the DNA testing of incarcerated persons, the purchasing of new equipment for the crime labs, and the training of crime lab personnel;

(10) Creates the Justice Improvement Fund to provide scholarships for training and educational programs for law enforcement officers;

(11) 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

(12) 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.