

SECOND REGULAR SESSION

HOUSE BILL NO. 1894

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), ZIMMERMAN, McGHEE, NIEVES, MUNZLINGER, RUZICKA, JONES (117), BRUNS, FUNDERBURK, ONDER, PARSON, SMITH (150), SCHOELLER, DAY, STREAM, SCHARNHORST AND MOORE (Co-sponsors).

Read 1st time January 29, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4164L.03I

AN ACT

To repeal section 217.450, RSMo, and to enact in lieu thereof one new section relating to detainers.

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

Section A. Section 217.450, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.450, to read as follows:

217.450. 1. Any person confined in a department correctional facility may request a final disposition of any untried indictment, information or complaint pending in this state on the basis of which **a law enforcement agency, prosecuting attorney's office, or circuit attorney's office has delivered a certified copy of a warrant and has requested that** a detainer [has been] **be** lodged against [him while so imprisoned] **such person with the facility where the offender is confined**. The request shall be in writing addressed to the court in which the indictment, information or complaint is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

2. **When the director receives a certified copy of a warrant and a written request by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the requesting agency.** The director shall promptly inform each offender in writing of the source and nature of any untried indictment, information or complaint for which a detainer has been lodged against [him] **such offender** of which the director has knowledge, and of [his] **the**

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.

14 **offender's** right to make a request for final disposition of such indictment, information or
15 complaint on which the detainer is based.

16 3. Failure of the director to [inform an offender, as required by this section, within one
17 year after a detainer has been filed at the facility shall entitle him to a final dismissal of the
18 indictment, information or complaint with prejudice] **comply with this section shall not be the**
19 **basis for dismissing the indictment, information, or complaint unless the court also finds**
20 **that the offender has been denied his or her constitutional right to a speedy trial.**

✓