

SECOND REGULAR SESSION

# HOUSE BILL NO. 1330

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), SCHAD, RICHARDSON, LARGENT,  
WEBBER, ELMER AND HOUGHTON (Co-sponsors).

5078L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 545.473, RSMo, and to enact in lieu thereof one new section relating to procedure for change of venue in counties with average yearly inmate populations in excess of one thousand inmates.

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

Section A. Section 545.473, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 545.473, to read as follows:

545.473. 1. Notwithstanding Missouri supreme court rule 32.03, a defendant with a case filed in a county with department of corrections centers with a total average yearly offender population in excess of [two] **one** thousand persons shall follow the procedure listed in subsections 2 to 5 of this section in order to obtain a change of venue for misdemeanors or felonies.

2. Upon written application of the defendant, a change of venue may be ordered in any criminal proceeding for the following reasons:

(1) That the inhabitants of the county are prejudiced against the defendant; or

(2) That the state has an undue influence over the inhabitants of the county.

3. In felony cases, the application must be filed not later than thirty days after arraignment. In misdemeanor cases, the application must be filed not later than ten days before the date set for trial.

4. A copy of the application and a notice of the time when it will be presented to the court shall be served on all parties.

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.

15           5. The application shall set forth the reason or reasons for change of venue. It need not  
16 be verified and shall be signed by the defendant or his attorney.

17           6. The state may, within five days after the filing of the application for a change of  
18 venue, file a denial of the existence of the reason or reasons alleged in the application. Such  
19 denial need not be verified. If a denial is filed, the court shall hear evidence and determine the  
20 issues. If the issues are determined in favor of the defendant, or if the truth of the grounds  
21 alleged is within the knowledge of the court, or if no denial is filed, a change of venue shall be  
22 ordered to some other county convenient to the parties and where the reason or reasons do not  
23 exist.

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