

HCS HB 1448 -- JUDICIAL PROCEDURES

SPONSOR: Cox

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 5 to 4.

This bill specifies that when a special prosecutor is appointed in any case, he or she may not be otherwise employed by a party other than the State of Missouri in any criminal case or proceeding in that circuit for the duration of that appointment and must be considered an appointed prosecutor for purposes of Section 56.360, RSMo.

The presiding judge is authorized to assign a judge to hear the trial of a felony case when he or she has previously conducted the preliminary hearing in that case if the defendant has signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial.

The bill authorizes the 13th Judicial Circuit to appoint or retain a commissioner pursuant to Section 478.003.

The bill adds the executive director of the Missouri office of prosecution services, or his or her designee, to those individuals on the panel in the Department of Public Safety that awards grants to law enforcement agencies that are investigating internet sex crimes against children. The bill adds assistant prosecuting and circuit attorneys to the list of individuals who are eligible to have their salaries paid through the grant.

In any case in which the defendant is acquitted or in which a person must be committed or recognized to answer for a felony and no indictment is issued against the person, the costs must be paid by the state. The bill repeals the provision that requires the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person and prohibits the state or county from paying the costs in that type of case.

PROPONENTS: Supporters say that this bill makes some changes with respect to criminal procedure. The idea is not to disallow the ability to challenge evidence on constitutional grounds. The idea from an efficiency standpoint is that a motion to suppress must be on the record from an appellate standpoint. An associate circuit court judge ruling on a motion is not precedent, the idea is to make sure the motion is made at the appropriate level.

Testifying for the bill were Representative Cox; MOPS; and Missouri Kids First.

OPPONENTS: There was no opposition voiced to the committee.