

HB 1448 -- JUDICIAL PROCEDURES

SPONSOR: Cox

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 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.

A motion or objection to exclude evidence on the ground that it was obtained unlawfully cannot be made in a preliminary hearing. The findings of a court in a preliminary hearing must be based on substantial evidence which can include hearsay, in whole or in part, in specified forms. 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.