

HB 2066 -- CRIMINAL PROCEEDINGS

SPONSOR: Roberts

This bill specifies that a prosecuting attorney may not dismiss a misdemeanor offense and file a felony offense, or amend a case involving only misdemeanors to include a felony offense, arising out of the same incident as the misdemeanor unless the prosecuting attorney discovers new material facts or evidence of the incident.

A defendant may move to dismiss any felony offense filed in violation of this provision. The felony offense shall be presumed to be in violation of this provision, and the prosecuting attorney shall have the burden of proving otherwise by a preponderance of the evidence.