

SECOND REGULAR SESSION

HOUSE BILL NO. 1900

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

4394H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 56, RSMo, by adding thereto two new sections relating to prosecuting and circuit attorneys.

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

Section A. Chapter 56, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 56.900 and 56.905, to read as follows:

56.900. A prosecuting or circuit attorney performing discretionary functions shall
2 **not be liable for civil damages if his or her conduct does not violate a clearly established**
3 **statutory or constitutional right.**

56.905. If a prosecuting or circuit attorney determines not to commence a case
2 **against a person after law enforcement notifies the prosecuting or circuit attorney of a**
3 **violation of state law and there is probable cause of such violation, law enforcement may**
4 **forward such case to the attorney general's office for review. After review, if the attorney**
5 **general determines there is probable cause of a violation of state law, the attorney general**
6 **may prosecute such case in the county in which the offense was committed.**

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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.