

HOUSE BILL NO. 186

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

0141H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 56, 67, and 590, RSMo, by adding thereto three new sections relating to audit requests while investigating offenses committed by public servants.

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

Section A. Chapters 56, 67, and 590, RSMo, are amended by adding thereto three new sections, to be known as sections 56.092, 67.5150, and 590.119, to read as follows:

56.092. A prosecuting or circuit attorney who is conducting an investigation relating to an offense of theft or fraud by a public servant or an offense of official misconduct within the prosecuting or circuit attorney's jurisdiction may request the state auditor or his or her designee to audit all or part of the jurisdiction in which the prosecuting or circuit attorney represents regarding the receipt and expenditure of public funds. The state auditor shall report any finding to the prosecuting or circuit attorney.

67.5150. If:

- (1) A prosecuting or circuit attorney;**
- (2) A law enforcement agency;**
- (3) A sheriff of a county;**
- (4) The police commissioner of a city not within a county; or**
- (5) The chief of police of a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants**

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.

11 is conducting an investigation relating to an offense of theft or fraud by a public servant
12 or an offense of official misconduct within the jurisdiction of the prosecuting or circuit
13 attorney, the law enforcement agency, the police commissioner of a city not within a
14 county, or the chief of police of a county with a charter form of government and with more
15 than three hundred thousand but fewer than four hundred fifty thousand inhabitants or
16 of a county with a charter form of government and with more than nine hundred fifty
17 thousand inhabitants, the governing body of the county, with a majority vote, may request
18 the state auditor or his or her designee to audit all or part of the jurisdiction within that
19 county in which the prosecuting or circuit attorney, the law enforcement agency, the police
20 commissioner of a city not within a county, or the chief of police of a county with a charter
21 form of government and with more than three hundred thousand but fewer than four
22 hundred fifty thousand inhabitants or of a county with a charter form of government and
23 with more than nine hundred fifty thousand inhabitants represents or serves regarding the
24 receipt and expenditures of public funds. The state auditor shall report any findings to the
25 governing body of the county.

2 **590.119.** A law enforcement agency, a sheriff of a county, the police commissioner
3 of a city not within a county, or the chief of police of a county with a charter form of
4 government and with more than three hundred thousand but fewer than four hundred fifty
5 thousand inhabitants or of a county with a charter form of government and with more
6 than nine hundred fifty thousand inhabitants that is conducting an investigation relating
7 to an offense of theft or fraud by a public servant or an offense of official misconduct
8 within the law enforcement agency's, sheriff's, police commissioner's, or chief of police's
9 jurisdiction may request the state auditor or his or her designee to audit all or part of the
10 jurisdiction in which the law enforcement agency, sheriff, police commissioner, or chief of
11 police serves regarding the receipt and expenditure of public funds. The state auditor shall
report any finding to the law enforcement agency.

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