

SECOND REGULAR SESSION

# HOUSE BILL NO. 1763

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HICKS.

3637H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 27, 56, and 106, RSMo, by adding thereto four new sections relating to prosecuting and circuit attorneys.

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

Section A. Chapters 27, 56, and 106, RSMo, are amended by adding thereto four new sections, to be known as sections 27.110, 56.930, 56.933, and 106.320, to read as follows:

27.110. **The attorney general shall compile a statewide report summarizing the information provided by each prosecuting and circuit attorney under section 56.933 in a uniform fashion and sortable by offense and jurisdiction. The report shall be made available to the public and submitted to the governor and the speaker of the house of representatives and the president pro tempore of the senate, who shall distribute the report to the committees having jurisdiction over judiciary matters.**

56.930. **In any county or municipality in which the governor finds that the prosecuting or circuit attorney has failed to execute the duties assigned or is unable to competently or faithfully execute such duties in extraordinary circumstances, including public corruption, public lawlessness or disorder, or persistent and widespread unsolved or unprosecuted criminal activity, the governor may appoint qualified special prosecutors with concurrent authority to prosecute offenses or cases designated by the governor in that county or municipality. Such special prosecutors shall be employed and compensated by the attorney general. The governor shall have discretion to appoint special prosecutors either under the direction of or independent from the attorney general. A person appointed to serve as a special prosecutor shall have the same powers as the prosecuting or circuit attorney of the county or municipality, including equal**

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.

12 access to all relevant investigative and prosecutorial materials, resources, and  
13 authorities of the prosecuting or circuit attorney.

56.933. If a prosecuting or circuit attorney declines to file an indictment or  
2 information or does not file an indictment or information within thirty days of an arrest  
3 or if the attorney general determines that a prosecuting or circuit attorney is not  
4 actively or properly investigating an offense, the attorney general may assume the  
5 authority to investigate or prosecute an offense. In such circumstances, the attorney  
6 general shall have the same powers as the prosecuting or circuit attorney of the county  
7 or municipality, including equal access to all relevant investigative and prosecutorial  
8 materials, resources, and authorities of the prosecuting or circuit attorney.

106.320. The governor may suspend from office any prosecuting or circuit  
2 attorney, or assistant thereof, for that attorney's neglect or failure to perform the duties  
3 of the office. Such neglect or failure to perform the duties of the office includes  
4 instances in which the attorney fails to perform some duty required of him or her for  
5 reasons including, but not limited to, willfulness, malice, ignorance, oversight, or  
6 incompetence. If the governor suspends a prosecuting or circuit attorney under this  
7 section, the governor shall appoint an interim prosecuting or circuit attorney to serve in  
8 that position until the next regularly scheduled election.

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