SECOND REGULAR SESSION

HOUSE BILL NO. 2920

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLANK.

5497H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 1.020, 56.010, 56.060, 56.066, 56.363, 56.640, 56.700, 56.805, 56.807, 70.010, 70.060, and 70.090, RSMo, and section 56.067 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 56.067 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, section 56.265 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, section 56.816 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 56.816 as enacted by senate bill no. 290, ninety-first general assembly, first regular session, and to enact in lieu thereof sixteen new sections relating to prosecuting attorneys.

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

Section A. Sections 1.020, 56.010, 56.060, 56.066, 56.363, 56.640, 56.700, 56.805,

- 2 56.807, 70.010, 70.060, and 70.090, RSMo, and section 56.067 as enacted by senate bill no.
- 3 672, ninety-seventh general assembly, second regular session, section 56.067 as enacted by
- 4 senate bill no. 275, ninetieth general assembly, first regular session, section 56.265 as enacted
- 5 by senate bill no. 672, ninety-seventh general assembly, second regular session, section
- 6 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session,
- 7 section 56.816 as enacted by senate bill no. 672, ninety-seventh general assembly, second
- 8 regular session, and section 56.816 as enacted by senate bill no. 290, ninety-first general
- 9 assembly, first regular session, are repealed and sixteen new sections enacted in lieu thereof,
- 10 to be known as sections 1.020, 56.010, 56.015, 56.060, 56.066, 56.067, 56.265, 56.363,
- 11 56.640, 56.700, 56.805, 56.807, 56.816, 70.010, 70.060, and 70.090, to read as follows:

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.

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1.020. As used in the statutory laws of this state, unless otherwise specially provided or unless plainly repugnant to the intent of the legislature or to the context thereof:

- (1) "Certified mail" or "certified mail with return receipt requested", includes certified mail carried by the United States Postal Service, or any parcel or letter carried by an overnight, express, or ground delivery service that allows a sender or recipient to electronically track its location and provides record of the signature of the recipient;
- (2) "County [or circuit attorney" means prosecuting attorney", "circuit attorney", "prosecuting attorney", or any derivation thereof, when used in the context of the functions, duties, powers, and responsibilities of the office, means an elected official of a county or designated jurisdiction with the responsibility for prosecuting violations of state law:
- 12 (3) "Executor" includes administrator where the subject matter applies to an 13 administrator;
 - (4) "General election" means the election required to be held on the Tuesday succeeding the first Monday of November, biennially;
 - (5) "Guardian", if used in a section in a context relating to property rights or obligations, means conservator of the estate as defined in chapter 475. "Guardianship", if used in a section in a context relating to rights and obligations other than property rights or obligations, means guardian of the person as defined in chapter 475;
 - (6) "Handicap" means a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury, or disease, and where the impairment is verified by medical findings;
 - (7) "Heretofore" means any time previous to the day when the statute containing it takes effect; and "hereafter" means the time after the statute containing it takes effect;
 - (8) "In vacation" includes any adjournment of court for more than one day whenever any act is authorized to be done by or any power given to a court, or judge thereof in vacation, or whenever any act is authorized to be done by or any power given to a clerk of any court in vacation;
 - (9) "Incompetent", if used in a section in a context relating to actual occupational ability without reference to a court adjudication of incompetency, means the actual ability of a person to perform in that occupation. "Incompetent", if used in a section in a context relating to the property rights and obligations of a person, means a disabled person as defined in chapter 475. "Incompetent", if used in a section in a context relating to the rights and obligations of a person other than property rights and obligations, means an incapacitated person as defined in chapter 475;
 - (10) "Justice of the county court" means commissioner of the county commission;

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37 (11) "Month" and "year". "Month" means a calendar month, and "year" means a calendar year unless otherwise expressed, and is equivalent to the words year of our Lord;

- 39 (12) The word "person" may extend and be applied to bodies politic and corporate, 40 and to partnerships and other unincorporated associations;
- 41 (13) "Personal property" includes money, goods, chattels, things in action and 42 evidences of debt;
- 43 (14) "Place of residence" means the place where the family of any person 44 permanently resides in this state, and the place where any person having no family generally 45 lodges;
 - (15) "Preceding" and "following", when used by way of reference to any section of the statutes, mean the section next preceding or next following that in which the reference is made, unless some other section is expressly designated in the reference;
 - (16) "Property" includes real and personal property;
- 50 (17) "Real property" or "premises" or "real estate" or "lands" is coextensive with lands, tenements and hereditaments;
- 52 (18) "State", when applied to any of the United States, includes the District of Columbia and the territories, and the words "United States" includes such district and territories;
- 55 (19) "Under legal disability" includes persons within the age of minority or of unsound mind or imprisoned;
 - (20) "Ward", if used in a section in a context relating to the property rights and obligations of a person, means a protectee as defined in chapter 475. "Ward", if used in a section in a context relating to the rights and obligations of a person other than property rights and obligations, means a ward as defined in chapter 475;
 - (21) "Will" includes the words testament and codicil;
- 62 (22) "Written" and "in writing" and "writing word for word" includes printing, 63 lithographing, or other mode of representing words and letters, but in all cases where the 64 signature of any person is required, the proper handwriting of the person, or his mark, is 65 intended.
- 56.010. 1. Except as otherwise provided under subsections 2 and 3 of this section, at the general election [to be held in this state in the year A.D. 1982,] in 2026 and every four years thereafter, there shall be elected in each county [of this state] a prosecuting attorney, or beginning in 2026 and every four years thereafter there shall be elected in each multicounty jurisdiction established under section 56.015 a prosecuting attorney, who shall be a person learned in the law, duly licensed to practice as an attorney at law in this state, and enrolled as such, at least twenty-one years of age, and who has been a bona fide resident of the [county] jurisdiction in which [he] such individual seeks election for twelve

months next preceding the date of the general election at which [he] such individual is a candidate for such office and shall hold [his] office for four years, and until [his] a successor is elected, commissioned and qualified.

- 2. (1) At the general election in 2028 and every four years thereafter, there shall be elected in each multicounty jurisdiction established under section 56.015 a prosecuting attorney, who shall be an individual who:
- (a) Is learned in the law;

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- (b) Is duly licensed to practice as an attorney-at-law in this state;
- 17 (c) Is enrolled as a licensed attorney:
- 18 (d) Is at least twenty-one years of age; and
 - (e) Has been a bona fide resident of the jurisdiction in which such individual seeks election for twelve months next preceding the date of the general election at which such individual is a candidate for such office.
 - (2) A prosecuting attorney elected under this subsection shall serve a term of four years and shall hold office until a successor is elected, commissioned, and qualified.
 - 3. The prosecuting attorney for each county with a charter form of government shall be elected at the general election provided for in the county's charter.
 - 56.015. 1. Beginning with the prosecuting attorney elected at the 2026 general election, two or more contiguous counties within a single judicial circuit may act cooperatively in the common employment of a prosecuting attorney in the manner provided under sections 70.010 to 70.090.
- 2. Each prosecuting attorney who serves multiple counties under this section 6 shall have all the powers and duties provided to prosecuting attorneys in counties of the first classification and each prosecuting attorney shall also perform the duties required of prosecuting attorneys in the counties such individual represents under sections 56.291, 56.293, 56.300, and 56.305.
- 3. The prosecuting attorney shall be responsible for the budgets and staff of the 10 11 offices within each county employing the prosecuting attorney. The prosecuting attorney may appoint such assistant prosecuting attorneys and employ such investigators and stenographic and clerical help as the prosecuting attorney deems necessary for the proper discharge of the duties of the prosecuting attorney's office, and 14 may set their compensation within the limits of the allocations made for that purpose by 16 joint agreement of the governing bodies of the employing counties. The compensation for the assistant prosecuting attorneys, investigators, and stenographic and clerical help 17 shall be paid in equal installments out of the respective county treasuries in the same manner as other county employees are paid.

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4. The assistant prosecuting attorneys shall be subject to the same fines and penalties for neglect of duty or misdemeanor in office as the prosecuting attorney.

- 5. All assistant prosecuting attorneys, investigators, and stenographic and clerical help shall hold office at the pleasure of the prosecuting attorney.
- 6. The provisions of this section shall not apply to counties of the first classification or counties with a charter form of government.
- 56.060. 1. In each county a prosecuting attorney serves, the prosecuting attorney shall commence and prosecute all civil and criminal actions [in the prosecuting attorney's 2 eounty in which the county or state is concerned, defend all suits against the state or county, and prosecute forfeited recognizances and actions for the recovery of debts, fines, penalties and forfeitures accruing to the state or county. In all cases, civil and criminal, in which 5 changes of venue are granted, the prosecuting attorney shall follow and prosecute or defend, as the case may be, all the causes, for which, in addition to the fees now allowed by law, the prosecuting attorney shall receive his or her actual expenses. If any misdemeanor case is taken to the court of appeals by appeal the prosecuting attorney shall represent the state in the case in the court and make out and cause to be printed, at the expense of the county, all 11 necessary abstracts of record and briefs, and if necessary appear in the court in person, or 12 shall employ some attorney at the prosecuting attorney's own expense to represent the state in the court, and for his or her services he or she shall receive the compensation that is proper, 13 not to exceed twenty-five dollars for each case, and necessary traveling expenses, to be 15 audited and paid as other claims are audited and paid by the county commission of the county.
 - 2. Notwithstanding the provisions of subsection 1 of this section, in any county for which a county counselor is appointed, the prosecuting attorney shall only perform those duties prescribed by subsection 1 of this section [which] that are not performed by the county counselor under the provisions of law relating to the office of county counselor.
 - 3. In each county the prosecuting attorney serves, the prosecuting attorney may perform the following duties in addition to all other duties imposed by law:
 - (1) Represent state agencies in the collection of debt within the jurisdiction, except as otherwise provided by law or for the collection of debt owed for services rendered by the state public defender system unless such collection is under a mutual agreement or memorandum of understanding between the public defender system and the prosecuting attorney; and
 - (2) Provide not less than six hours of continuing education to peace officers in the jurisdiction in each year of the prosecuting attorney's term of office.
 - 4. In the absence of an agreement otherwise, the prosecuting attorney shall retain twenty percent of all debt collected on behalf of state agencies under subsection 3 of this section as a collection fee and:

(1) One-half of such fee collected shall be payable to the state of Missouri and remitted to the director of revenue, who shall deposit the amount collected under this subdivision to the credit of the Missouri office of prosecution services fund to be used only for the purpose of offsetting county expenses related to victim services, office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting attorney, and salary supplements for existing employees on the staff of the prosecuting attorney; and

- (2) One-half of the fee collected shall be payable to the county treasurer of each county employing the prosecuting attorney on a pro rata basis, under the agreement entered into by the counties under section 70.060, if applicable, and deposited into the county treasury to be used solely for the office of the prosecuting attorney.
- 56.066. 1. (1) In any jurisdiction including any county [which] that contains facilities [which] that are operated by the department of corrections with a total average yearly inmate population in excess of seven hundred and fifty persons but less than one thousand five hundred persons, the prosecuting attorney shall receive ten thousand dollars per annum in addition to all other compensation provided by law.
- (2) In any jurisdiction including any county [which] that contains facilities [which] that are operated by the department of corrections with a total average yearly inmate population in excess of one thousand five hundred persons but less than three thousand persons, the prosecuting attorney shall receive twelve thousand five hundred dollars per annum in addition to all other compensation provided by law.
- (3) In any jurisdiction including any county [which] that contains facilities [which] that are operated by the department of corrections with a total average yearly inmate population in excess of three thousand persons but less than four thousand persons, the prosecuting attorney shall receive fifteen thousand dollars per annum in addition to all other compensation provided by law.
- (4) In any jurisdiction including any county [which] that contains facilities [which] that are operated by the department of corrections with a total average inmate population in excess of four thousand persons, the prosecuting attorney shall receive twenty thousand dollars per annum in addition to all other compensation provided by law.
- 2. The compensation provided in connection with the average inmate population shall not be considered for purposes of determining any increase in compensation from January 1, 1988. The amounts provided in this subsection shall be included in the computation of the maximum allowable compensation as that term is used in section 50.333.
- [2-] 3. Notwithstanding the provisions of section 56.360, the prosecuting attorney of a jurisdiction including any county of the fourth classification, with a population of at least forty-eight thousand and not more than sixty thousand inhabitants, two correctional facilities,

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and a state mental health center[$\frac{1}{2}$] shall devote full time to the prosecutor's office[$\frac{1}{2}$] and, except for the performance of official duties, shall not engage in the practice of law.

56.067. In counties of the first classification [not having a charter form of government] and other [counties] jurisdictions in which the prosecuting attorney is a full-time position, the prosecuting attorney, except in the performance of special prosecutions or otherwise representing the state or its political subdivisions, shall devote full time to [his] the prosecuting attorney's office[5] and shall not engage in the practice of law.

[56.067. In counties of the first classification not having a charter form of government, and counties which have passed the proposition authorized by section 56.363, the prosecuting attorney, except in the performance of special prosecutions or otherwise representing the state or its political subdivisions, shall devote full time to his office, and shall not engage in the practice of law.]

56.265. 1. [The county] (1) A prosecuting attorney [in any county], other than a prosecuting attorney in a chartered county, shall receive an annual salary [computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.] as follows:

[(1)] (a) For a full-time prosecutor, the prosecutor shall receive compensation equal to the compensation of an associate circuit judge; and

[(2)] (b) For a part-time prosecutor[÷], the prosecutor shall receive compensation equal to sixty-seven percent of the compensation of an associate circuit judge.

(2) Beginning on January 1, 2027, each part-time prosecutor shall devote a minimum of twenty-five hours per week to the duties of the prosecuting attorney.

12	[Assessed \	/aluation]	[Amount]
13	[\$18,000,000] [to]	[40,999,999]	[\$37,000]
14	[41,000,000] [to]	[53,999,999]	[38,000]
15	[54,000,000] [to]	[65,999,999]	[39,000]
16	[66,000,000] [to]	[85,999,999]	[41,000]
17	[86,000,000] [to]	[99,999,999]	[43,000]
18	[100,000,000] [to]	[130,999,999]	[45,000]
19	[131,000,000] [to]	[159,999,999]	[47,000]
20	[160,000,000] [to]	[189,999,999]	[49,000]
21	[190,000,000] [to]	[249,999,999]	[51,000]
22	[250,000,000] [to]	[299,999,999]	[53,000]
23	[300,000,000] [or]	[more]	[55,000]

- 2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the [eounty] prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the [eounty] prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.
- 3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.
- 4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by subsection 1 of section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.
- 5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

[56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
\$18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000
86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000

19	250,000,000 to 299,999,999	53,000
20	300,000,000 or more	55,000

- 2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.
- 3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.
- 4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.
- 5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.
- 56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the [county prosecutor] office of prosecuting attorney a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in

?County?

? YES
? NO

15 If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the [prosecutor]

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prosecuting attorney who is elected at the next election subsequent to the passage of such proposal is sworn into office. The position shall then qualify for the retirement benefits available to a full-time [prosecutor] prosecuting attorney of a county of the first 20 classification. Any county that elects to make the position of prosecuting attorney full time shall pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same contribution amount as paid by counties of the first classification.

- 2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the [county prosecutor] office of prosecuting attorney a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.
- 3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a fulltime [prosecutor] prosecuting attorney of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time [prosecutors] prosecuting attorneys as are paid by counties of the first classification.
- 4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to make the [county prosecutor of prosecuting attorney a full-time position under this section after August 28, 2014, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of

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the election to be published in a newspaper published within the county, or if no newspaper is 54 published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

> Shall the office of prosecuting attorney be made a part-time position in ?County? ? YES ? NO

If a majority of the voters vote in favor of making the [county prosecutor] office of prosecuting attorney a part-time position, it shall become effective upon the date that the [prosecutor] prosecuting attorney who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of [county prosecutor] prosecuting attorney a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time [prosecutor] prosecuting attorney as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time [prosecutor] prosecuting attorney position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the Jeounty prosecutor office of prosecuting attorney back to a part-time position.

56.640. 1. If a county counselor is appointed, the county counselor and the county counselor's assistants under the county counselor's direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission or governing body, represent such department, officer, institution or agency. The county counselor shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission, governing body, or agency is a party, in the county counselor's or its official capacity, the county counselor shall draw all contracts relating to the business of the county, the county counselor shall represent the county generally in all matters of civil law, and the

12 county counselor shall upon request furnish written opinions to any county officer or 13 department.

- 2. In all cases in which a civil fine may be imposed pursuant to section 49.272, it shall be the duty of the county counselor, rather than the [county] prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.
- 3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend.
- 56.700. 1. The prosecuting attorney [in] of each jurisdiction including a county of the second, third, or fourth class [which] that contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and [which] that is operated by the state department of mental health, division of psychiatric services, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.
 - 2. The county counselor or circuit attorney in each county [of the first class] with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ an assistant county counselor or circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The assistant authorized by this subsection shall be in addition to any other assistants authorized by law. The assistant county counselor or circuit attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.
 - 3. The prosecuting attorney [in] of each jurisdiction including a county of the second, third, or fourth class [which] that contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and [which] that is operated by the state department of mental health, division of psychiatric services, may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and

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28 clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state treasury from funds appropriated for that purpose.

- 4. The county counselor or circuit attorney in each county [of the first class] with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county or city not within a county, shall be paid out of the state treasury from funds appropriated for that purpose.
 - 56.805. As used in sections 56.800 to 56.840, the following words and terms mean:
- 2 (1) "Annuity", annual payments, made in equal monthly installments, to a retired 3 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to 4 56.840:
 - (2) "Average final compensation", the average compensation of an employee for the two consecutive years prior to retirement when the employee's compensation was greatest;
 - (3) "Board of trustees" or "board", the board of trustees established by the provisions of sections 56.800 to 56.840;
 - (4) "Compensation", all salary and other compensation payable by a county to an employee for personal services rendered as an employee, including any salary reduction amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred compensation plan that satisfies 26 U.S.C. Section 457 but not including reimbursement for any expenses, any consideration for agreeing to terminate employment, or any other nonrecurring or unusual payment that is not part of regular remuneration;
- 15 (5) "County", the City of St. Louis and each county in the state;
- 16 (6) "Creditable service", the sum of both membership service and creditable prior service;
 - (7) "Effective date of the establishment of the system", August 28, 1989;
 - (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is employed by a county or a city not within a county;
- 21 (9) "Membership service", service as a prosecuting attorney or circuit attorney after 22 becoming a member that is creditable in determining the amount of the member's benefits 23 under this system;
- 24 (10) "Prior service", service of a member rendered prior to the effective date of the establishment of the system which is creditable under section 56.823;

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- 26 (11) "Prosecuting attorney", any elected or appointed prosecuting attorney 27 employed by a county or counties or any circuit attorney employed by a city not within a 28 county;
- 29 (12) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys' 30 retirement system authorized by the provisions of sections 56.800 to 56.840.
 - 56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.
- 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:
- 7 (1) For counties of the third and fourth classification except as provided in 8 subdivision (3) of this subsection, three hundred seventy-five dollars;
- 9 (2) For counties of the second classification, five hundred forty-one dollars and sixty-10 seven cents;
 - (3) For counties of the first classification, and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents; and
 - (4) For counties that are engaged in the common employment of a prosecuting attorney as provided in section 56.015, one thousand two hundred ninety-one dollars and sixty-seven cents, which shall be prorated among the counties under the joint agreement the counties entered into under section 70.060.
- 20 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to 21 the Missouri office of prosecution services for deposit to the credit of the "Missouri 22 23 Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby 24 created. All moneys held by the state treasurer on behalf of the system shall be paid to the 25 system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes 26 27 provided in sections 56.800 to 56.840 and for no other purpose.
 - 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

- (a) For counties of the third and fourth classification except as provided in paragraph(c) of this subdivision, one hundred eighty-seven dollars;
 - (b) For counties of the second classification, two hundred seventy-one dollars;
- (c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, six hundred forty-six dollars.
- (2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:
 - (a) One hundred twenty percent or more, no monthly sum shall be transmitted;
- (b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;
- (c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;
- (d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and
- (e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.
- 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.
- 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:
- (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, and against any person who has pled guilty for any violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by

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68 the court. For purposes of this section, the term "county ordinance" shall include any 69 ordinance of the City of St. Louis;

- (2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.
- 8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.
- 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.
- 10. Beginning January 1, 2019, all members, who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent of the final average compensation, shall, as a condition of participation, contribute two percent of their gross salary to the fund. Beginning on January 1, 2020, each such member shall contribute four percent of the member's gross salary to the fund. Each county treasurer shall deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting attorneys and circuit attorneys' retirement fund.
- 11. Upon separation from the system, a nonvested member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value.
- 12. Upon retirement and in the sole discretion of the board on the advice of the actuary, a member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value, but such lump sum shall not exceed twenty-five percent of the final average compensation of the member. This amount shall be in addition to any retirement benefits to which the member is entitled.
- 13. Upon the death of a nonvested member or the death of a vested member prior to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made to the designated beneficiary of the member or, if no beneficiary has been designated, to the member's estate.
- 56.816. 1. The normal annuity of a retired member who served as prosecuting attorney of a county of the third or fourth class shall, except as provided in subsection 3 of this section, be equal to: 3
- (1) Any member who has served twelve or more years as a prosecuting attorney and 5 who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred five dollars multiplied

by the number of two-year periods and partial two-year periods served as a prosecuting

- (2) Any member who has served twenty or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the number of two-year periods and partial two-year periods as a prosecuting attorney.
- 2. The normal annuity of a retired member who served as prosecuting attorney of a first or second class county [or], as circuit attorney of a city not within a county, or as prosecuting attorney of a multicounty jurisdiction shall be equal to fifty percent of the final average compensation.
- 3. Except as otherwise provided under section 56.363, the normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation.
- 4. The actuarial present value of a retired member's benefits shall be placed in a reserve account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be increased by the actuarial present value of retiring members' benefits, and by the interest earning of the total fund on a pro rata basis and it shall be decreased by payments to retired members and their survivors. Each year the actuary shall compare the actuarial present value of retired members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives, then distribution of this excess may be made equally to all retired members, or their eligible survivors. The distribution may be in a single sum or in monthly payments at the discretion of the board on the advice of the actuary.

[56.816. 1. The normal annuity of a retired member who served as prosecuting attorney of a county of the third or fourth class shall, except as provided in subsection 3 of this section, be equal to:

- (1) Any member who has served twelve or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred five dollars multiplied by the number of twoyear periods and partial two-year periods served as a prosecuting attorney;
- (2) Any member who has served twenty or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the number of two-year periods and partial two-year periods as a prosecuting attorney.
- 2. The normal annuity of a retired member who served as prosecuting attorney of a first or second class county or as circuit attorney of a city not

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 within a county shall be equal to fifty percent of the final average compensation.

- 3. The normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation.
- 4. The actuarial present value of a retired member's benefits shall be placed in a reserve account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be increased by the actuarial present value of retiring members' benefits, and by the interest earning of the total fund on a pro rata basis and it shall be decreased by payments to retired members and their survivors. Each year the actuary shall compare the actuarial present value of retired members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives, then distribution of this excess may be made equally to all retired members, or their eligible survivors. The distribution may be in a single sum or in monthly payments at the discretion of the board on the advice of the actuary.]
- 70.010. 1. Two or more, not exceeding ten, contiguous counties may join in performing any common function or service, including the purchase, construction and maintenance of hospitals, almshouses, road machinery and any other county property and may join in the common employment of any county officer or employee common to each of the counties. The county commissions shall administer the delegated powers and allocate the costs among the counties.
 - 2. County coroners of any number of contiguous counties may establish a cooperative district and appoint a district coroner and deputy district coroner for such district. District coroners and deputy district coroners shall be county coroners selected by a majority vote of coroners of counties within the district and certified as master death investigators by a professional association of the county coroners of Missouri. The district and deputy district coroners shall receive remuneration only for necessary expenses incurred for providing assistance in the investigation of a death at the request of a county coroner which shall be paid in the manner provided under the provisions of section 58.570.
 - 3. Beginning with the prosecuting attorney elected at the 2026 general election, two or more contiguous counties of the second, third, or fourth classification within a single judicial circuit may act cooperatively in the common employment of a prosecuting attorney.
- 70.060. 1. Upon the receipt of a notice that [the] a proposition for any purpose other than the common employment of a prosecuting attorney has been adopted as provided in section 70.050, the presiding commissioner of the most populous county, as determined by the last federal decennial census, shall call a meeting of the county

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commissions of all the counties voting on the proposition, at such place and time as [he] such presiding commissioner may designate. Unless otherwise provided by law, the respective county commissions sitting as a body, with each county commissioner having one vote, shall proceed to administer the function, service or common employment of the county officer or employee and allocate the costs among the counties. Any county that has voted to participate in a joint undertaking as provided in sections 70.010 to 70.090 is hereby authorized to issue bonds, as provided by law for the issuance of county bonds, for such purposes.

- 2. Upon the receipt of a notice that a proposition for the common employment of a prosecuting attorney has been adopted as provided in section 70.050, the presiding commissioner of the most populous county, as determined by the last federal decennial census, shall call a meeting of the county commissions of all the counties voting on the proposition, at such place and time as such presiding commissioner may designate. The respective county commissions sitting as a body, with each county commissioner having one vote, shall proceed to approve a joint agreement that specifies the duties of each county. The agreement shall contain the following:
- (1) The names of the counties engaging in the common employment of the prosecuting attorney;
- (2) The formula for calculating each county's contribution to the costs of the prosecuting attorney's office;
- (3) The formula for calculating each county's portion of the fee collected under subsection 3 of section 56.060; and
- 26 (4) The timing and procedures for approval of the annual budget for the 27 prosecuting attorney's office by the governing bodies of the employing counties.

70.090. When two or more counties may have joined together for the purposes of sections 70.010 to 70.090, additional counties, until the total shall have reached [ten] the limits specified in section 70.010, may be admitted to participation by all such counties, including those already participating and those desiring to participate, proceeding as is provided for in sections 70.010 to 70.090 for the formation of a new agreement. If the proposition to admit additional counties shall fail to receive a majority vote of those voting thereon in any one of such counties, including those already participating and those desiring to participate, the proposition shall be deemed to have failed and the counties already participating before such proposition was submitted shall carry on in the same manner as before.

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