

FIRST REGULAR SESSION

HOUSE BILL NO. 856

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

1450H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 56.190 and 540.106, RSMo, and to enact in lieu thereof two new sections relating to grand jury proceedings.

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

Section A. Sections 56.190 and 540.106, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 56.190 and 540.106, to read as follows:

56.190. In all counties ~~[of class one]~~, the stenographers in the office of the
2 prosecuting attorney shall ~~[-when so directed by the prosecuting attorney of such county,]~~ take
3 down and transcribe for the use of the prosecuting attorney testimony and evidence before the
4 grand jury of said county and before any court of said county exercising criminal jurisdiction
5 or before the coroner of said county at any inquest held on any homicide or felony inquiry,
6 and shall perform such other duties in the office of the prosecuting attorney as may be
7 necessary. Before taking down any evidence before the grand jury, such stenographers shall
8 be sworn to keep secret any fact disclosed in said grand jury room, and shall not divulge any
9 testimony which he or she may have heard there, except to the prosecuting attorney or when
10 lawfully required to do so by a court of record having jurisdiction in said matter. **Any**
11 **information transcribed under this section shall be discoverable so long as all privileged**
12 **information is redacted.**

540.106. ~~[Any]~~ **Each** grand jury ~~[proceeding that includes]~~ **proceeding, including**
2 **any proceeding that involves** testimony or other information from a witness who is granted
3 immunity from prosecution, shall be a recorded proceeding. In the event a person is indicted

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.

4 as a result of such immunized testimony, the prosecutor shall provide a transcription of such
5 testimony to all defendants.

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