

HB 2167 -- ATTORNEY GENERAL

SPONSOR: Dolan

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 8 to 3. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 7 to 2.

Currently, the Attorney General is authorized to appoint investigators necessary to properly perform the duties of the office.

This bill specifies that these investigators may be commissioned and noncommissioned. Each commissioned investigator, upon appointment, must take an oath of office to support the constitution and laws of the United States and this State and will receive a certificate of appointment. A copy of the certificate of appointment must be filed with the Secretary of State.

The certificate will be issued by the Attorney General, and it will grant the commissioned investigator the power to arrest individuals to maintain order and preserve the peace in any matter in which authority is granted to the Attorney General by law. Commissioned investigators may assist law enforcement agencies when requested. The certificate of appointment for an investigator can be withdrawn at any time by the Attorney General, and commissioned investigators must comply with the same peace officer standards as other law enforcement in the State.

PROPOSERS: Supporters say that, in a lot of third class counties, the Attorney General is called upon to assist in cases where there is only a part-time attorney or just one full-time attorney, and they need help to prosecute cases. When an Attorney General takes over a case, he or she has investigators who work for him or her. This allows the Attorney General to appoint commissioned investigators in these special circumstances, such as if the Attorney General's Office has to investigate the agency that currently commissions the investigator. This would allow the Attorney General to investigate on his or her own. Having investigators accountable for these POST requirements is better for Missouri. Sometimes there are agencies that are reluctant to provide access to investigators due to liability concerns, so it would be better for the Attorney General's Office to be able to commission his or her own investigators.

Testifying in person for the bill were Representative Dolan; and Colbey Stosberg, Missouri Attorney General's Office.

OPPONENTS: Those who oppose the bill say that this gives too much power to the Attorney General. It is unclear whether this office down the road will be used as a sword or a shield. The people need to make sure investigative positions do not turn into positions given to friends or political patronage positions.

Testifying in person against the bill was Arnie C. Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.