

SECOND REGULAR SESSION

HOUSE BILL NO. 1778

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLINGTON.

5343H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to the Missouri innocence commission.

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

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be
2 known as section 650.550, to read as follows:

- 650.550. 1. There is hereby established the "Missouri Innocence Commission".**
- 2 **Members of the Missouri innocence commission shall consist of the following:**
- 3 **(1) The Missouri attorney general or his or her designee;**
- 4 **(2) The president of the Missouri Organization of Defense Lawyers or his or her**
5 **designee who shall have at a minimum twenty years of trial or appellate experience in**
6 **criminal defense;**
- 7 **(3) The superintendent of the Missouri state highway patrol or his or her designee;**
- 8 **(4) Two jail or department of corrections staff members acting as counselors who**
9 **are appointed by the governor;**
- 10 **(5) A correctional caseworker or a chaplain involved with individual prisoners who**
11 **is appointed by the director of the Missouri department of corrections;**
- 12 **(6) A prosecutor designated by the president of the Missouri Association of**
13 **Prosecuting Attorneys;**
- 14 **(7) A forensic scientist experienced in the management and oversight of laboratory**
15 **operations who is appointed by the governor;**
- 16 **(8) A retired justice of the Missouri supreme court or a retired judge of the**
17 **Missouri court of appeals who is appointed by the governor; and**

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.

18 **(9) Two members of the community or a civil rights organization who are**
19 **appointed by the governor.**

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21 **Each member shall serve for a term of three years or until his or her successor is**
22 **appointed. Members of the Missouri innocence commission shall be reimbursed for the**
23 **actual and necessary expenses incurred in the discharge of the members' official duties.**

24 **2. The Missouri innocence commission shall:**

25 **(1) Analyze the circumstances of innocent persons being charged, prosecuted,**
26 **convicted, and incarcerated;**

27 **(2) Advise the legislature concerning the causes and factors associated with such**
28 **wrongful convictions;**

29 **(3) Consider and recommend reforms to investigative, prosecutorial, judicial, and**
30 **other processes; and**

31 **(4) Propose remedial legislation with the goals of reducing the likelihood that**
32 **innocent persons are convicted of crimes.**

33 **3. The commission shall evaluate current practices and make appropriate**
34 **recommendations in the following areas:**

35 **(1) Post-conviction access to the evaluation of DNA and other forensic evidence;**

36 **(2) Eyewitness identification processes;**

37 **(3) Videotaping custodial and other questioning of suspects and witnesses;**

38 **(4) Use of informants', cooperating individuals', and inmates' testimony;**

39 **(5) Use of witnesses with questionable credibility;**

40 **(6) Timely and full compliance with the state's responsibility to make exculpatory**
41 **information available to a defendant and his or her counsel;**

42 **(7) Law enforcement training and education programming;**

43 **(8) Independent, impartial, and scientifically reliable forensic laboratory**
44 **operations;**

45 **(9) Payment of counsel for the defense, for investigative services, and other trial**
46 **costs;**

47 **(10) Any other factors or areas that may be brought to the attention of the Missouri**
48 **innocence commission that relate to the concern of the wrongful convictions of innocent**
49 **persons; and**

50 **(11) Oversight and disciplinary structures for evaluating allegations of police,**
51 **prosecutorial, defense, and judicial misconduct in criminal proceedings.**

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