

SECOND REGULAR SESSION

HOUSE BILL NO. 2066

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

5282H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 543, RSMo, by adding thereto one new section relating to criminal proceedings.

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

Section A. Chapter 543, RSMo, is amended by adding thereto one new section, to be
2 known as section 543.450, to read as follows:

3 **543.450. 1. No prosecuting attorney shall dismiss a misdemeanor offense and file**
4 **a felony offense arising out of the same incident as the misdemeanor unless the prosecuting**
5 **attorney discovers new material facts or evidence of the incident.**

6 **2. No prosecuting attorney shall amend a case that only involves misdemeanors**
7 **with a felony offense arising out of the same incident unless the prosecuting attorney**
8 **discovers new material facts or evidence of the incident.**

9 **3. A defendant may move to dismiss any felony offense filed in violation of this**
10 **section. The felony offense shall be presumed to be in violation of this section, and the**
11 **prosecuting attorney has the burden of proving otherwise by a preponderance of the**
12 **evidence.**

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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.