

FIRST EXTRAORDINARY SESSION OF THE  
SECOND REGULAR SESSION

# HOUSE BILL NO. 28

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MURPHY.

5810H.01I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapters 56 and 556, RSMo, by adding thereto two new sections relating to prosecuting and circuit attorneys.

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

Section A. Chapters 56 and 556, RSMo, are amended by adding thereto two new sections, to be known as sections 56.900 and 556.065, to read as follows:

**56.900. A prosecuting or circuit attorney performing discretionary functions shall not be liable for civil damages if his or her conduct does not violate a clearly established statutory or constitutional right.**

**556.065. 1. The provisions of this section shall apply to any city not within a county.**

**2. (1) The attorney general shall have concurrent jurisdiction with any circuit attorney to prosecute under this section.**

**(2) Upon receiving a referral from a law enforcement agency alleging a violation of section 565.020, 565.021, or 570.027, the attorney general may commence prosecution of any violation of such section within sixty days by filing a complaint, information, or indictment. Once the attorney general commences prosecution pursuant to this section, he or she may prosecute any additional violations that were part of the same course of conduct as the violation of section 565.020, 565.021, or 570.027.**

**(3) If the circuit attorney has commenced prosecution by filing a complaint, information, or indictment, the attorney general may adopt or amend the complaint,**

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.

13 **information, or indictment and the circuit attorney shall immediately withdraw from the**  
14 **prosecution.**

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