

FIRST REGULAR SESSION

HOUSE BILL NO. 41

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

0497H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to the appointment of a special prosecutor in certain officer-involved incidents.

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

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be known as section 590.255, to read as follows:

590.255. 1. If a prosecutor of a county or a city not within a county files criminal charges against a law enforcement officer or receives a complaint against a law enforcement officer based on the officer's actions during an officer-involved death or an officer-involved shooting, the appropriate court judge shall appoint a special prosecutor to investigate the officer's actions regarding such death or shooting. If charges have been filed, in addition to investigating the case, the special prosecutor shall take over prosecutorial duties until final disposition of the case.

2. The appropriate court judge shall have discretion to appoint any attorney licensed in this state as special prosecutor. Such special prosecutor shall possess all powers of a prosecuting attorney or assistant attorney general in exercising his or her prosecutorial duties. If such special prosecutor is a prosecutor of a county or a city not within a county, he or she shall receive no additional compensation for serving as special prosecutor. If the special prosecutor is not a prosecutor of a county or a city not within a county, he or she shall receive a reasonable fee for serving as such special prosecutor. Such fee shall be fixed by the judge appointing the attorney and shall be paid from the funds of the office of the prosecutor of the jurisdiction in which the complaint or charges are filed.

3. For the purposes of this section, the following terms shall mean:

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 **(1) "Officer-involved death", the death of an individual that results directly from**
19 **an action or an omission of a law enforcement officer while the officer is on duty or while**
20 **the officer is off duty but performing activities that are within the scope of his or her law**
21 **enforcement duties;**

22 **(2) "Officer-involved shooting", an incident in which an individual is injured as a**
23 **result of a law enforcement officer discharging his or her firearm while the officer is on**
24 **duty or while the officer is off duty but performing activities that are within the scope of**
25 **his or her law enforcement duties.**

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