

FIRST REGULAR SESSION

# HOUSE BILL NO. 506

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLINGTON.

0863H.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 known as section 650.550, to read as follows:

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

20

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 any investigative, prosecutorial, judicial,**  
30 **and 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 relates 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.**

✓