

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[PERFECTED]

HOUSE BILL NO. 66

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PATTERSON.

5918H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs, with an emergency clause.

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

Section A. Chapter 491, RSMo, is amended by adding thereto one new section, to be
2 known as section 491.641, to read as follows:

**491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness
2 Protection Services Fund", which shall consist of moneys collected under this section. The
3 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
4 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
5 and money in the fund shall be used solely by the department of public safety for the
6 purposes of witness protection services pursuant to this section.**

7 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund.**

10 **(3) The state treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. Any interest and moneys earned on such investments shall be credited
12 to the fund.**

13 **2. Any law enforcement agency may provide for the security of witnesses, potential
14 witnesses, and their immediate families in criminal proceedings instituted or investigations**

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.

15 pending against a person alleged to have engaged in a violation of state law. Providing for
16 witnesses may include provision of housing facilities and for the health, safety, and welfare
17 of such witnesses and their immediate families, if testimony by such a witness might subject
18 the witness or a member of his or her immediate family to danger of bodily injury, and
19 may continue so long as such danger exists. Subject to appropriations from the general
20 assembly for the purposes provided for in this section, funds may be appropriated from
21 the pretrial witness protection services fund.

22 3. The department of public safety may authorize funds to be disbursed to law
23 enforcement agencies for the purchase, rental, or modification of protected housing
24 facilities for the purpose of this section. The law enforcement agency may contract with
25 any department of federal or state government to obtain or to provide the facilities or
26 services to carry out this section.

27 4. The department of public safety may authorize expenditures for law enforcement
28 agencies to provide for the health, safety, and welfare of witnesses and victims, and the
29 families of such witnesses and victims, whenever testimony from, or a willingness to testify
30 by, such a witness or victim would place the life of such person, or a member of his or her
31 family or household, in jeopardy. A law enforcement agency shall submit an application
32 to the department of public safety which shall include, but not necessarily be limited to:

33 (1) Statement of conditions which qualify persons for protection;

34 (2) Precise methods the originating agency will use to provide protection, including
35 relocation of persons and reciprocal agreements with other law enforcement agencies;

36 (3) Statement of the projected costs over a specified period of time;

37 (4) If the requesting agency expects the person to provide evidence in any court of
38 competent jurisdiction:

39 (a) Brief statement of the anticipated evidence;

40 (b) Certification of a reasonable belief in the person's competency to give evidence;

41 (c) Statement of facts supporting the law enforcement agency's belief in the
42 accuracy of the evidence; and

43 (d) Any offer made in exchange for the person agreeing to give evidence.

44 5. The application submitted in subsection 4 of this section shall be a closed record
45 and not subject to disclosure under the provisions of chapter 610. Any information
46 contained in the application, or any other documents, which reveals or could reveal the
47 location or address of the individual or individuals who qualify for services under this
48 section shall be confidential and shall not be disclosed by any entity.

Section B. Because immediate action is necessary to protect the citizens of Missouri
2 from violent crime, section A of this act is deemed necessary for the immediate preservation of

3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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