

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1266

AN ACT

To repeal section 491.641, RSMo, and to enact in lieu thereof one new section relating to pretrial witness protection services.

---

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

Section A. Section 491.641, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 491.641, to read as follows:

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

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

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

2. Any law enforcement agency and any prosecuting or circuit attorney's office may provide for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings instituted or investigations pending

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

3. The department of public safety may authorize funds to be disbursed to law enforcement agencies and prosecuting or circuit attorney's offices for the purchase, rental, or modification of protected housing facilities for the purpose of this section. The law enforcement agency or prosecuting or circuit attorney's office may contract with any department of federal or state government to obtain or to provide the facilities or services to carry out this section.

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

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

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

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

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

(a) Brief statement of the anticipated evidence;

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

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

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

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