

SECOND REGULAR SESSION

# SENATE BILL NO. 672

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time January 8, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5090S.011

## AN ACT

To repeal section 56.363, RSMo, and to enact in lieu thereof one new section relating to county prosecutors.

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

Section A. Section 56.363, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 56.363, to read as follows:

56.363. 1. The county commission of any county may on its own motion  
2 and shall upon the petition of ten percent of the total number of people who voted  
3 in the previous general election in the county submit to the voters at a general  
4 or special election the proposition of making the county prosecutor a full-time  
5 position. The commission shall cause notice of the election to be published in a  
6 newspaper published within the county, or if no newspaper is published within  
7 the county, in a newspaper published in an adjoining county, for three weeks  
8 consecutively, the last insertion of which shall be at least ten days and not more  
9 than thirty days before the day of the election, and by posting printed notices  
10 thereof at three of the most public places in each township in the county. The  
11 proposition shall be put before the voters substantially in the following form:

12        Shall the office of prosecuting attorney be made a full-time position in  
13 ..... County?

14                             YES                             NO

15 If a majority of the voters voting on the proposition vote in favor of making the  
16 county prosecutor a full-time position, it shall become effective upon the date that  
17 the prosecutor who is elected at the next election subsequent to the passage of  
18 such proposal is sworn into office.

19        2. The provisions of subsection 1 of this section notwithstanding, in any  
20 county where the proposition of making the county prosecutor a full-time position

21 was submitted to the voters at a general election in 1998 and where a majority  
22 of the voters voting on the proposition voted in favor of making the county  
23 prosecutor a full-time position, the proposition shall become effective on May 1,  
24 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,  
25 under the provisions of this subsection shall have the additional duty of providing  
26 not less than three hours of continuing education to peace officers in the county  
27 served by the prosecuting attorney in each year of the term beginning January  
28 1, 1999.

29 3. In counties that, prior to August 28, 2001, have elected pursuant to this  
30 section to make the position of prosecuting attorney a full-time position, the  
31 county commission may at any time elect to have that position also qualify for the  
32 retirement benefit available for a full-time prosecutor of a county of the first  
33 classification. Such election shall be made by a majority vote of the county  
34 commission and once made shall be irrevocable. When such an election is made,  
35 the results shall be transmitted to the Missouri prosecuting attorneys and circuit  
36 attorneys' retirement system fund, and the election shall be effective on the first  
37 day of January following such election. Such election shall also obligate the  
38 county to pay into the Missouri prosecuting attorneys and circuit attorneys'  
39 system retirement fund the same retirement contributions for full-time  
40 prosecutors as are paid by counties of the first classification.

41 4. **In any county that has elected to make the county prosecutor**  
42 **a full-time position pursuant to this section the county commission may**  
43 **on its own motion and shall upon the petition of ten percent of the total**  
44 **number of people who voted in the previous general election in the**  
45 **county submit to the voters at a general or special election the**  
46 **proposition of changing the full-time prosecutor position to a part-time**  
47 **position. The commission shall cause notice of the election to be**  
48 **published in a newspaper published within the county, or if no**  
49 **newspaper is published within the county, in a newspaper published in**  
50 **an adjoining county, for three weeks consecutively, the last insertion**  
51 **of which shall be at least ten days and not more than thirty days before**  
52 **the day of the election, and by posting printed notices thereof at three**  
53 **of the most public places in each township in the county. The**  
54 **proposition shall be put before the voters substantially in the following**  
55 **form:**

56 **Shall the office of prosecuting attorney be made a part-time**

57 position in ..... County?

58

YES

NO

59 If a majority of the voters vote in favor of making the county  
60 prosecutor a part-time position, it shall become effective upon the date  
61 that the prosecutor who is elected at the next election subsequent to  
62 the passage of such proposal is sworn into office.

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