

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1763
102ND GENERAL ASSEMBLY

3637H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.503 and 56.750, RSMo, and section 56.265 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, and to enact in lieu thereof four new sections relating to prosecuting and circuit attorneys.

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

Section A. Sections 43.503 and 56.750, RSMo, and section 56.265 as enacted by
2 senate bill no. 672, ninety-seventh general assembly, second regular session, and section
3 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, are
4 repealed and four new sections enacted in lieu thereof, to be known as sections 43.503,
5 56.265, 56.602, and 56.750, to read as follows:

43.503. 1. For the purpose of maintaining complete and accurate criminal history
2 record information, all police officers of this state, the clerk of each court, the department of
3 corrections, the sheriff of each county, the chief law enforcement official of a city not within a
4 county and the prosecuting attorney of each county or the circuit attorney of a city not within
5 a county shall submit certain criminal arrest, charge, and disposition information to the
6 central repository for filing without undue delay in the form and manner required by sections
7 43.500 to 43.651.

8 2. All law enforcement agencies making misdemeanor and felony arrests as
9 determined by section 43.506 shall furnish without undue delay, to the central repository,
10 fingerprints, photograph, and if available, any other unique biometric identification collected,
11 charges, appropriate charge codes, and descriptions of all persons who are arrested for such
12 offenses on standard fingerprint forms supplied or approved by the highway patrol or
13 electronically in a format and manner approved by the highway patrol and in compliance with

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.

14 the standards set by the Federal Bureau of Investigation in its Automated Fingerprint
15 Identification System or its successor program. All such agencies shall also notify the central
16 repository of all decisions not to refer such arrests for prosecution. An agency making such
17 arrests may enter into arrangements with other law enforcement agencies for the purpose of
18 furnishing without undue delay such fingerprints, photograph, and if available, any other
19 unique biometric identification collected, charges, appropriate charge codes, and descriptions
20 to the central repository upon its behalf.

21 **3. In order for the Missouri office of prosecution services to maintain complete**
22 **and accurate statewide reports, beginning January 1, 2027, and thereafter, all police**
23 **officers of this state, the sheriff and each deputy sheriff of each county, and the chief law**
24 **enforcement official of a city not within a county and his or her officers shall submit**
25 **referrals for any traffic violation, ordinance violation, or misdemeanor or felony offense**
26 **referred to a prosecuting or circuit attorney in the form and manner approved by the**
27 **Missouri office of prosecution services as required by subdivision (7) of subsection 1 of**
28 **section 56.750. At a minimum, any referral for a felony offense shall include a probable**
29 **cause statement and an investigative report.**

30 **4.** In instances where an individual less than seventeen years of age and not currently
31 certified as an adult is taken into custody for an offense which would be a felony if committed
32 by an adult, the arresting officer shall take fingerprints for the central repository. These
33 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
34 or transmitted electronically in a format and manner approved by the highway patrol and in
35 compliance with the standards set by the Federal Bureau of Investigation in its Automated
36 Fingerprint Identification System or its successor program. The fingerprint cards shall be so
37 constructed that the name of the juvenile should not be made available to the central
38 repository. The individual's name and the unique number associated with the fingerprints and
39 other pertinent information shall be provided to the court of jurisdiction by the agency taking
40 the juvenile into custody. The juvenile's fingerprints and other information shall be
41 forwarded to the central repository and the courts without undue delay. The fingerprint
42 information from the card shall be captured and stored in the automated fingerprint
43 identification system operated by the central repository. In the event the fingerprints are
44 found to match other tenprints or unsolved latent prints, the central repository shall notify the
45 submitting agency who shall notify the court of jurisdiction as per local agreement. Under
46 section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged
47 to have violated a state or municipal traffic ordinance or regulation, which does not constitute
48 a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be
49 fingerprinted unless certified as an adult.

50 ~~[4:]~~ 5. Upon certification of the individual as an adult, the certifying court shall order
51 a law enforcement agency to immediately fingerprint and photograph the individual and
52 certification papers will be forwarded to the appropriate law enforcement agency with the
53 order for fingerprinting. The law enforcement agency shall submit such fingerprints,
54 photograph, and certification papers to the central repository within fifteen days and shall
55 furnish the offense cycle number associated with the fingerprints to the prosecuting attorney
56 or the circuit attorney of a city not within a county and to the clerk of the court ordering the
57 subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an
58 adult, the prosecuting attorney shall notify within fifteen days the central repository of the
59 change of status of the juvenile. Records of a child who has been fingerprinted and
60 photographed after being taken into custody shall be closed records as provided under section
61 610.100 if a petition has not been filed within thirty days of the date that the child was taken
62 into custody; and if a petition for the child has not been filed within one year of the date the
63 child was taken into custody, any records relating to the child concerning the alleged offense
64 may be expunged under the procedures in sections 610.122 to 610.126.

65 ~~[5:]~~ 6. The prosecuting attorney of each county or the circuit attorney of a city not
66 within a county or the municipal prosecuting attorney shall notify the central repository on
67 standard forms supplied by the highway patrol or in a manner approved by the highway patrol
68 of his or her decision to not file a criminal charge on any charge referred to such prosecuting
69 attorney or circuit attorney for criminal charges. All records forwarded to the central
70 repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to
71 43.530 shall include the state offense cycle number of the offense, the charge code for the
72 offense, and the originating agency identifier number of the reporting prosecutor, using such
73 numbers as assigned by the highway patrol.

74 ~~[6:]~~ 7. The clerk of the courts of each county or city not within a county or municipal
75 court clerk shall furnish the central repository, on standard forms supplied by the highway
76 patrol or in a manner approved by the highway patrol, with a record of all charges filed,
77 including all those added subsequent to the filing of a criminal court case, amended charges,
78 and all final dispositions of cases for which the central repository has a record of an arrest or a
79 record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall
80 include, for each charge:

81 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
82 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or
83 probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in
84 the trial court;

85 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
86 or vacate or modify a sentence;

87 (3) Judgments terminating or revoking a sentence to probation, supervision or
88 conditional release and any resentencing after such revocation; and

89 (4) The offense cycle number of the offense, and the originating agency identifier
90 number of the sentencing court, using such numbers as assigned by the highway patrol.

91 ~~[7-]~~ **8.** The clerk of the courts of each county or city not within a county shall furnish,
92 to the department of corrections or department of mental health, court judgment and sentence
93 documents and the state offense cycle number and the charge code of the offense which
94 resulted in the commitment or assignment of an offender to the jurisdiction of the department
95 of corrections or the department of mental health if the person is committed pursuant to
96 chapter 552. This information shall be reported to the department of corrections or the
97 department of mental health at the time of commitment or assignment. If the offender was
98 already in the custody of the department of corrections or the department of mental health at
99 the time of such subsequent conviction, the clerk shall furnish notice of such subsequent
100 conviction to the appropriate department by certified mail, return receipt requested, or in a
101 manner and format mutually agreed to, within fifteen days of such disposition.

102 ~~[8-]~~ **9.** Information and fingerprints, photograph and if available, any other unique
103 biometric identification collected, forwarded to the central repository, normally obtained from
104 a person at the time of the arrest, may be obtained at any time the subject is in the criminal
105 justice system or committed to the department of mental health. A law enforcement agency
106 or the department of corrections may fingerprint, photograph, and capture any other unique
107 biometric identification of the person unless collecting other unique biometric identification
108 of the person is not financially feasible for the law enforcement agency, and obtain the
109 necessary information at any time the subject is in custody. If at the time of any court
110 appearance, the defendant has not been fingerprinted and photographed for an offense in
111 which a fingerprint and photograph is required by statute to be collected, maintained, or
112 disseminated by the central repository, the court shall order a law enforcement agency or
113 court marshal to fingerprint and photograph immediately the defendant. The order for
114 fingerprints shall contain the offense, charge code, date of offense, and any other information
115 necessary to complete the fingerprint card. The law enforcement agency or court marshal
116 shall submit such fingerprints, photograph, and if available, any other unique biometric
117 identification collected, to the central repository without undue delay and within thirty days
118 and shall furnish the offense cycle number associated with the fingerprints to the prosecuting
119 attorney or the circuit attorney of a city not within a county and to the court clerk of the court
120 ordering the subject fingerprinted.

121 ~~[9-]~~ **10.** The department of corrections and the department of mental health shall
122 furnish the central repository with all information concerning the receipt, escape, execution,
123 death, release, pardon, parole, commutation of sentence, granting of executive clemency,

124 legal name change, or discharge of an individual who has been sentenced to that department's
 125 custody for any offenses which are mandated by law to be collected, maintained or
 126 disseminated by the central repository. All records forwarded to the central repository by the
 127 department as required by sections 43.500 to 43.651 shall include the offense cycle number of
 128 the offense, and the originating agency identifier number of the department using such
 129 numbers as assigned by the highway patrol.

~~[56.265. 1. The county prosecuting attorney in any county, other than
 in a chartered county, shall receive an annual salary computed using the
 following schedule, when applicable. The assessed valuation factor shall be
 the amount thereof as shown for the year immediately preceding the year for
 which the computation is done.~~

~~(1) For a full time prosecutor the prosecutor shall receive
 compensation equal to the compensation of an associate circuit judge;~~

~~(2) For a part time prosecutor:~~

Assessed Valuation	Amount
\$18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000
86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000
250,000,000 to 299,999,999	53,000
300,000,000 or more	55,000

~~2. Two thousand dollars of the salary authorized in this section shall be
 payable to the prosecuting attorney only if the prosecuting attorney has
 completed at least twenty hours of classroom instruction each calendar year
 relating to the operations of the prosecuting attorney's office when approved
 by a professional association of the county prosecuting attorneys of Missouri
 unless exempted from the training by the professional association. The
 professional association approving the program shall provide a certificate of
 completion to each prosecuting attorney who completes the training program
 and shall send a list of certified prosecuting attorneys to the treasurer of each
 county. Expenses incurred for attending the training session may be
 reimbursed to the county prosecuting attorney in the same manner as other
 expenses as may be appropriated for that purpose.~~

~~3. As used in this section, the term "prosecuting attorney" includes the
 circuit attorney of any city not within a county.~~

35 ~~4. The prosecuting attorney of any county which becomes a county of~~
 36 ~~the first classification during a four year term of office or a county which~~
 37 ~~passed the proposition authorized by subsection 1 of section 56.363 shall not~~
 38 ~~be required to devote full time to such office pursuant to section 56.067 until~~
 39 ~~the beginning of the prosecuting attorney's next term of office or until the~~
 40 ~~proposition otherwise becomes effective.~~

41 ~~5. The provisions of section 56.066 shall not apply to full-time~~
 42 ~~prosecutors who are compensated pursuant to subdivision (1) of subsection 1~~
 43 ~~of this section.]~~

56.265. 1. The county prosecuting attorney in any county, other than in a chartered
 2 county, shall receive an annual salary computed using the following schedule, when
 3 applicable. The assessed valuation factor shall be the amount thereof as shown for the year
 4 immediately preceding the year for which the computation is done.

5 (1) For a full-time prosecutor the prosecutor shall receive compensation equal to the
 6 compensation of an associate circuit judge;

7 (2) For a part-time prosecutor:

Assessed Valuation	Amount
\$18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000
86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000
250,000,000 to 299,999,999	53,000
300,000,000 or more	55,000

20 2. Two thousand dollars of the salary ~~[authorized in this section]~~ shall be payable to
 21 ~~[the]~~ **any** prosecuting attorney only if the prosecuting attorney has completed at least twenty
 22 hours of classroom instruction each calendar year relating to the operations of the prosecuting
 23 attorney's office when approved by a professional association of the county prosecuting
 24 attorneys of Missouri unless exempted from the training by the professional association. The
 25 professional association approving the program shall provide a certificate of completion to
 26 each prosecuting attorney who completes the training program and shall send a list of
 27 certified prosecuting attorneys to the treasurer of each county **or city not within a county**.
 28 Expenses incurred for attending the training session may be reimbursed to the ~~[county]~~

29 prosecuting attorney in the same manner as other expenses as may be appropriated for that
30 purpose.

31 **3. Ten percent of the salary shall be payable to any prosecuting attorney only if**
32 **the prosecuting attorney has collected the data described in subsection 2 of section**
33 **56.750 in a manner approved by the prosecutors coordinators training council and**
34 **makes the data described in subsection 2 of section 56.750 readily accessible to the**
35 **Missouri office of prosecution services. The Missouri office of prosecution services shall**
36 **provide a certificate of compliance to each prosecuting attorney who complies with this**
37 **subsection and shall send a list of any certified prosecuting attorney to the respective**
38 **treasurer of each county or city not within a county.**

39 **4. Five percent of the salary shall be payable to any prosecuting attorney only if**
40 **the prosecuting attorney has provided discovery in a manner approved by the**
41 **prosecutors coordinators training council. The Missouri office of prosecution services**
42 **shall provide a certificate of compliance to each prosecuting attorney who complies with**
43 **this subsection and shall send a list of any certified prosecuting attorney to the**
44 **respective treasurer of each county or city not within a county.**

45 **5. As used in this section, the term "prosecuting attorney" includes the circuit attorney**
46 **of any city not within a county.**

47 ~~[4.]~~ **6. The prosecuting attorney of any county which becomes a county of the first**
48 **classification during a four-year term of office or a county which passed the proposition**
49 **authorized by subsection 1 of section 56.363 shall not be required to devote full time to such**
50 **office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of**
51 **office or until the proposition otherwise becomes effective.**

52 ~~[5.]~~ **7. The provisions of section 56.066 shall not apply to full-time prosecutors who**
53 **are compensated pursuant to subdivision (1) of subsection 1 of this section.**

56.602. 1. The "Prosecuting and Circuit Attorney Review Committee" is hereby
2 **established to review complaints formally lodged with the committee as provided in this**
3 **section.**

4 **2. The prosecuting and circuit attorney review committee shall have five**
5 **members. The members shall include:**

6 **(1) The executive director for the Missouri office of prosecution services**
7 **(MOPS); and**

8 **(2) Four current or former elected prosecuting or circuit attorneys. These**
9 **members shall be appointed by the prosecutors coordinators training council. Two of**
10 **the members shall have been elected as Republicans, and two of the members shall have**
11 **been elected as Democrats. All four of such members shall have served a minimum of**
12 **two full terms as an elected or appointed prosecuting or circuit attorney prior to being**

13 appointed to serve on the prosecuting and circuit attorney review committee. Initially,
14 two members, one Republican and one Democrat, shall be appointed for a four-year
15 term. The other two members, one Republican and one Democrat, shall be appointed
16 for a two-year term. These initial appointments shall commence on January 1, 2028.
17 When these initial terms expire, all new appointments shall be for four-year terms. The
18 appointments shall be made no later than December first of the year preceding the
19 beginning of the first day of the term on January first. If a vacancy occurs during a
20 term, a qualified current or former prosecuting or circuit attorney shall be selected to
21 finish the existing term. No person shall serve more than three terms or twelve years,
22 whichever is greater, on the prosecuting and circuit attorney review committee.

23 3. A formal complaint shall be lodged to the Missouri office of prosecution
24 services when there is a threat to public safety and health in a jurisdiction. A threat to
25 public safety and health in a jurisdiction is considered to exist if:

26 (1) The number of occurrences of homicide cases in the twenty-four months
27 immediately preceding exceeds a rate of thirty-five cases per every one hundred
28 thousand people within the prosecuting or circuit attorney's jurisdiction;

29 (2) The prosecuting or circuit attorney has any of the case types listed in this
30 paragraph for which the office has received a referral and has not within ten business
31 days filed charges, requested further investigation, or refused to file charges for any of
32 the following offenses:

33 (a) First degree murder under section 565.020;

34 (b) Second degree murder under section 565.021;

35 (c) Assault in the first degree under section 565.050;

36 (d) Assault in the second degree under section 565.052;

37 (e) Rape in the first degree under section 566.030;

38 (f) Sodomy in the first degree under section 566.060;

39 (g) Robbery in the first degree under section 570.023;

40 (h) Robbery in the second degree under section 570.025;

41 (i) Vehicle hijacking under section 570.027; and

42 (j) Armed criminal action under section 571.015; or

43 (3) If additional investigation has been requested, a decision to file or not to file
44 has not been made in any of the criminal offenses listed in paragraphs (a) to (j) of
45 subdivision (2) of this subsection within six months. If a decision to not file charges has
46 been made, a law enforcement agency may subsequently submit a new referral with any
47 additional information.

48 **4. (1) Upon receiving a formal complaint, within ten business days of receipt, the**
49 **executive director of the Missouri office of prosecution services shall convene a meeting**
50 **of the prosecuting and circuit attorney review committee.**

51 **(2) The meetings of the prosecuting and circuit attorney review committee shall**
52 **be closed meetings. Any complaints, correspondences to or from the prosecuting and**
53 **circuit attorney review committee, votes, or remediation recommendations shall be**
54 **closed records. Any request made by the prosecuting and circuit attorney review**
55 **committee to the governor to appoint a special prosecuting attorney shall be an open**
56 **record.**

57 **(3) If the complaint meets the requirements to be considered a formal complaint,**
58 **the prosecuting and circuit attorney review committee shall within five business days**
59 **deliver in person or send by certified mail a copy of the complaint to the prosecuting or**
60 **circuit attorney.**

61 **(4) The prosecuting or circuit attorney shall have ten business days to respond in**
62 **writing to the prosecuting and circuit attorney review committee care of the Missouri**
63 **office of prosecution services. The prosecuting or circuit attorney may provide any**
64 **relevant information that is maintained in the prosecuting or circuit attorney's office.**

65 **(5) No later than ten business days after the deadline provided in subdivision (4)**
66 **of this subsection, the prosecuting and circuit attorney review committee shall review all**
67 **information and any data maintained by the Missouri office of prosecution services**
68 **under subsection 2 of section 56.750.**

69 **(6) The prosecuting and circuit attorney review committee may hold closed**
70 **hearings or request additional information as it deems necessary.**

71 **(7) (a) The prosecuting and circuit attorney review committee by a vote of four**
72 **or more may determine that there is a threat to public safety or health, as described in**
73 **subdivision (2) of subsection 3 of this section, within the jurisdiction and the prosecuting**
74 **or circuit attorney's professional acts or omissions have created or substantially**
75 **contributed to the threat to public safety or health. If such a determination is made, the**
76 **prosecuting and circuit attorney review committee by a vote of three or more members**
77 **shall:**

78 **a. Immediately request the governor to appoint a special prosecuting or circuit**
79 **attorney to prosecute criminal offenses listed in subsection 6 of this section; or**

80 **b. Immediately make recommendations to the prosecuting or circuit attorney for**
81 **remediation with a time line for implementation and review date within six months of**
82 **the recommendation.**

83 **(b) a. If the prosecuting and circuit attorney review committee makes**
84 **recommendations for remediation, the prosecuting and circuit attorney review**

85 committee shall assess the effectiveness of the remediation at the conclusion of the six-
86 month period.

87 b. If the prosecuting and circuit attorney review committee determines by a vote
88 of three or more members that there is no longer a threat to public safety or health or
89 that the prosecuting or circuit attorney's professional acts or omissions are not creating
90 or substantially contributing to a threat to public safety or health, the prosecuting and
91 circuit attorney review committee shall issue a finding as such, which finding shall be an
92 open record.

93 c. If the prosecuting and circuit attorney review committee finds by a vote of
94 three or more members that there is a threat to public safety or health and that the
95 prosecuting or circuit attorney's professional acts or omissions are creating or
96 substantially contributing to the threat to public safety or health, the prosecuting and
97 circuit attorney review committee shall immediately request the governor to appoint a
98 special prosecuting attorney to prosecute criminal offenses listed in subsection 6 of this
99 section, which finding shall be an open record.

100 5. Upon the request of the prosecuting and circuit attorney review committee,
101 the governor may appoint a special prosecuting attorney who shall serve for a specified
102 term not to exceed the term in office of the elected prosecuting or circuit attorney in the
103 jurisdiction in which the special prosecuting attorney is appointed. The special
104 prosecuting attorney shall not be required to reside in the jurisdiction to which he or she
105 was appointed to serve and shall be a licensed attorney.

106 6. (1) The special prosecuting attorney shall have exclusive jurisdiction to
107 initiate and prosecute the following felony offenses:

- 108 (a) First degree murder under section 565.020;
- 109 (b) Second degree murder under section 565.021;
- 110 (c) Assault in the first degree under section 565.050;
- 111 (d) Assault in the second degree under section 565.052;
- 112 (e) Rape in the first degree under section 566.030;
- 113 (f) Sodomy in the first degree under section 566.060;
- 114 (g) Robbery in the first degree under section 570.023;
- 115 (h) Robbery in the second degree under section 570.025;
- 116 (i) Vehicle hijacking under section 570.027; and
- 117 (j) Armed criminal action under section 571.015.

118 (2) For felony offenses listed under subdivision (1) of this subsection, the special
119 prosecuting attorney shall have all powers, duties, and responsibilities granted to the
120 prosecuting or circuit attorney in the jurisdiction under sections 56.087, 56.130, and
121 56.360. If an offense leads to criminal charges for which the special prosecuting

122 attorney has exclusive jurisdiction, the special prosecuting attorney shall also have
123 exclusive jurisdiction over all other charges stemming from the same criminal event.
124 After the special prosecuting attorney has filed criminal charges in a case over which he
125 or she has exclusive jurisdiction, the special prosecuting attorney shall continue to have
126 exclusive jurisdiction over the entire criminal case regardless of whether the charges are
127 later reduced. If the prosecuting or circuit attorney has commenced prosecution prior
128 to the appointment of the special prosecuting attorney for any offense that the special
129 prosecuting attorney has exclusive jurisdiction under this section, the prosecuting or
130 circuit attorney shall immediately withdraw from the prosecution and the special
131 prosecuting attorney may adopt or amend any complaint, information, or indictment
132 filed by the prosecuting or circuit attorney.

133 7. (1) Moneys for the special prosecuting attorney shall be provided by the state
134 from the general revenue fund. The special prosecuting attorney shall be paid the same
135 salary as an associate circuit court judge and, upon his or her appointment, shall
136 become a member of the prosecuting attorneys and circuit attorneys' retirement system
137 as set forth under sections 56.800 to 56.840.

138 (2) The special prosecuting attorney shall have a budget, which shall be provided
139 by the state from the general revenue fund, to hire up to fifteen assistant special
140 prosecuting attorneys and up to fifteen staff members including, but not limited to,
141 assistants, clerks, reporters, grand jury reporters, legal investigators, and
142 stenographers, as the special prosecuting attorney deems necessary. The assistant
143 special prosecuting attorneys and staff of the special prosecuting attorney shall be
144 subject to the same duties and responsibilities as those in the prosecuting or circuit
145 attorney's office. The salaries of all employees hired by the special prosecuting attorney
146 shall be set and determined by the special prosecuting attorney but shall be within the
147 budget provided by the state.

148 (3) Six months prior to the end of the initial term of the special prosecuting
149 attorney, the prosecuting and circuit attorney review committee shall meet and
150 determine by a vote of three or more votes:

151 (a) Whether a threat to public safety or health exists; and

152 (b) Whether the current prosecuting or circuit attorney's professional acts or
153 omissions are creating or substantially contributing to the threat to public safety or
154 health.

155 (4) If the prosecuting and circuit attorney review committee by three or more
156 votes determines that no threat to public safety or health exists, or the current
157 prosecuting or circuit attorney's professional acts or omissions are not creating or

158 **substantially contributing to the threat to public safety or health, the special prosecuting**
159 **attorney's appointment shall end at the conclusion of the initial term of appointment.**

160 **(5) If the prosecuting and circuit attorney review committee by three or more**
161 **votes finds that a threat to public safety or health exists and the current prosecuting or**
162 **circuit attorney's professional acts or omissions are creating or substantially**
163 **contributing to the threat to public safety or health, the prosecuting and circuit**
164 **attorney review committee shall request the governor to reappoint the special**
165 **prosecuting attorney or to appoint another special prosecuting attorney.**

166 **(6) Upon the recommendation of the prosecuting and circuit attorney review**
167 **committee under subdivision (5) of this subsection, the governor may appoint a special**
168 **prosecuting attorney for a period of up to five years. The special prosecuting attorney**
169 **shall have all duties, provisions, and responsibilities as described in this subsection.**

170 **8. The members of the prosecuting and circuit attorney review committee shall**
171 **not be compensated for serving on such committee. The members of the prosecuting**
172 **and circuit attorney review committee may request reimbursement from the state**
173 **budget for mileage and food in accordance with the guidelines and procedures for state**
174 **employees.**

56.750. 1. The "Missouri Office of Prosecution Services" is hereby established as an
2 autonomous entity in the Missouri attorney general's office. It shall be the purpose of the
3 Missouri office of prosecution services to assist the prosecuting attorneys throughout the state
4 in their efforts against criminal activity in the state. Such assistance may include:

5 (1) The obtaining, preparing, supplementing, and disseminating of indexes to and
6 digests of the decisions of the supreme court and the court of appeals of Missouri and other
7 courts, and the statutes, and other legal authorities relating to criminal matters, and civil
8 matters concerning the duties of prosecuting attorneys and circuit attorney;

9 (2) The preparation and distribution of model complaints, informations, indictments,
10 instructions, search warrants, interrogation advices, and other common and appropriate
11 documents employed in the administration of criminal justice;

12 (3) The preparation and distribution of a basic prosecutor's manual and other
13 educational materials;

14 (4) The promotion of and assistance in the training of prosecuting attorneys and
15 circuit attorney on a statewide basis;

16 (5) The provision of legal research assistance to prosecuting attorneys and circuit
17 attorney;

18 (6) The development, support and maintenance of automated case management and
19 criminal history reporting systems approved by the prosecutors coordinators training council
20 as the standard utilized by prosecuting attorneys and circuit attorney; ~~and~~

21 (7) **The development and approval of the form and uniform manner utilizing the**
22 **automated case management system in which all referrals will be submitted by any law**
23 **enforcement agency to offices of a prosecuting attorney or circuit attorney; and**

24 (8) **The provision of other assistance to prosecuting attorneys and circuit attorney that**
25 **is necessary for the successful implementation of sections 56.750 to 56.775, including**
26 **members of the Missouri office of prosecution services serving as special prosecuting**
27 **attorneys and special assistant prosecuting attorneys, or that hereinafter may be**
28 **authorized by law.**

29 **2. Beginning March 31, 2028, and by March thirty-first each year thereafter, the**
30 **Missouri office of prosecution services shall compile a statewide report summarizing**
31 **from the automated case management system, approved by the prosecutors**
32 **coordinators training council as provided in subdivision (6) of subsection 1 of this**
33 **section for all offices of prosecuting or circuit attorneys, for the previous calendar year**
34 **the following information:**

35 (1) **The total number of felonies, misdemeanors, and infractions received by all**
36 **offices of prosecuting and circuit attorneys, including:**

37 (a) **The number of all referrals received from law enforcement;**

38 (b) **The number of all cases filed;**

39 (c) **The number of all cases refused;**

40 (d) **The number of all cases disposed; and**

41 (e) **The number of all cases under review on December thirty-first of the**
42 **calendar year being reported;**

43 (2) **Any information specific to felonies, misdemeanors, and infractions received**
44 **by all offices of prosecuting and circuit attorneys, including:**

45 (a) **The number of referrals received wherein the most serious charge was a**
46 **felony;**

47 (b) **The number of referrals received wherein the most serious charge was a**
48 **misdemeanor;**

49 (c) **The number of referrals received wherein the most serious charge was an**
50 **infraction;**

51 (d) **The number of referrals with all charges refused wherein the most serious**
52 **charge referred was a felony;**

53 (e) **The number of referrals with all charges refused wherein the most serious**
54 **charge referred was a misdemeanor;**

55 (f) **The number of referrals with all charges refused wherein the most serious**
56 **charge referred was an infraction;**

57 (g) **The number of cases filed wherein the most serious charge was a felony;**

58 **(h) The number of cases filed wherein the most serious charge was a**
59 **misdemeanor;**

60 **(i) The number of cases filed wherein the most serious charge was an infraction;**

61 **(j) The number of cases disposed wherein the most serious charge was a felony;**

62 **(k) The number of cases disposed wherein the most serious charge was a**
63 **misdemeanor; and**

64 **(l) The number of cases disposed wherein the most serious charge was an**
65 **infraction; and**

66 **(3) All felonies, misdemeanors, and infractions received by all offices of**
67 **prosecuting and circuit attorneys by specific statute number and charge code, including:**

68 **(a) All charges received in referrals by statute number and charge code;**

69 **(b) All charges filed by statute number and charge code;**

70 **(c) All charges refused by statute number and charge code;**

71 **(d) All charges disposed by statute number and charge code; and**

72 **(e) All charges under review on December thirty-first of the calendar year being**
73 **reported by statute number and charge code.**

74 **3. Any information provided under subdivisions (1) to (3) of subsection 2 of this**
75 **section shall be compiled for each individual office of a prosecuting or circuit attorney.**
76 **The summary reports shall be considered a public record. The individual data and**
77 **information compiled by and received from each office of a prosecuting or circuit**
78 **attorney is confidential and shall be a closed record and not subject to release under**
79 **section 610.100.**

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