

FIRST REGULAR SESSION

HOUSE BILL NO. 586

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE, HANAWAY, CROWELL, KINGERY, JETTON,
GOODMAN, STEVENSON (Co-sponsors), RICHARD, SCHLOTTACH, ENGLER AND WRIGHT.

Read 1st time March 3, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1068L.011

AN ACT

To repeal sections 545.400, 545.410 and 545.415, RSMo, and to enact in lieu thereof one new section relating to depositions in criminal cases.

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

Section A. Sections 545.400, 545.410 and 545.415, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 545.405, to read as follows:

**545.405. Except for depositions taken pursuant to sections 545.380 and 492.303,
2 RSMo, and section 18(b), article I, Constitution of Missouri, no other depositions shall be
3 taken by any party in any criminal case.**

[545.400. The defendant in any criminal cause may also have witnesses
2 examined on his behalf, conditionally, upon a commission issued by the clerk of the
3 court in which the cause is pending, in the same cases and upon the like notice to the
4 prosecuting attorney, with the like effect and in all respects as is provided by law in
5 civil suits; provided, that the notice in such case to the prosecuting attorney shall
6 state the name or names of the witness or witnesses whose depositions are desired or
7 will be taken.]

[545.410. When any prosecuting attorney shall be notified of the taking of
2 any deposition, as specified in section 545.400, it shall be his duty to attend the
3 taking thereof if the same shall be taken in his county, but if in any other county in
4 this state, he shall immediately notify the prosecuting attorney of the county where
5 such deposition is to be taken, giving him such information as will enable him to
6 represent the state at the taking of the same; and it is hereby made the duty of such
7 prosecuting attorney, upon receiving such information, to attend the taking thereof
8 in behalf of the state. If any such deposition be taken out of the state, the prosecuting

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

9 attorney may employ counsel to attend and represent the state at the taking of the
10 same, at a fee not to exceed ten dollars for the first witness examined, and one dollar
11 for each additional witness examined, which fee shall be taxed and paid as other
12 costs in the case.]

2 [545.415. Beginning July 1, 1995, a prosecuting or circuit attorney in any
3 criminal case pending in any court may obtain the deposition of any person on oral
4 examination. The manner of taking such depositions shall be governed by the rules
5 relating to the taking of depositions in civil actions. The depositions of any person
confined in prison shall be taken where such person is confined.]