

HCS HB 1607 -- ASSIGNMENTS BY PRESIDING JUDGES

SPONSOR: Stevenson (Diehl)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Judiciary by a vote of 12 to 0.

Currently, presiding judges are prohibited from assigning a judge to hear the trial of a felony case when that judge has previously conducted the case's preliminary hearing. This substitute allows the presiding circuit court judge to make this assignment if the defendant has signed a written waiver stating that he or she waives any right to object or argue about any potential conflict that might occur as a result of having the same judge hear both the preliminary hearing and the trial.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill promotes judicial efficiency. Judges already retry cases that come back from appeal and rule on motions to suppress in cases in which they later try. They are able to compartmentalize.

Testifying for the bill were Representative Diehl; Judicial Conference of Missouri; Missouri Associate Circuit Judge Voluntary Fund; and Missouri Association of Criminal Defense Lawyers.

OPPOSERS: There was no opposition voiced to the committee.