

HOUSE BILL NO. 1856

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HAMPTON (Sponsor), RICHARDSON, WRIGHT, KEENEY,
LICHTENEGGER AND FITZWATER (Co-sponsors).

6053L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 56.363, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.363, to read as follows: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 and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in County?
 YES NO

Except as provided in subsection 2 of this section, if a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become

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.

16 effective upon the date that the prosecutor who is elected at the next election subsequent to the
17 passage of such proposal is sworn into office.

18 2. The provisions of subsection 1 of this section notwithstanding, in any county where
19 the proposition of making the county prosecutor a full-time position was submitted to the voters
20 at a general election in 1998 and where a majority of the voters voting on the proposition voted
21 in favor of making the county prosecutor a full-time position, the proposition shall become
22 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May
23 1, 1999, under the provisions of this subsection shall have the additional duty of providing not
24 less than three hours of continuing education to peace officers in the county served by the
25 prosecuting attorney in each year of the term beginning January 1, 1999. **In any county of the**
26 **third classification with a township form of government and with more than twenty-eight**
27 **thousand but fewer than thirty-one thousand inhabitants where the proposition submitted**
28 **to the voters as provided in subsection 1 of this section is approved by a majority of the**
29 **voters voting on the proposition, the proposition shall become effective on January first of**
30 **the year immediately following adoption of the proposition.**

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

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