

SECOND REGULAR SESSION

# HOUSE BILL NO. 1560

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

4087H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to the appointment of a special prosecutor in certain officer-involved incidents.

---

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

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be known as section 590.255, to read as follows:

2           **590.255. 1. If a prosecutor of a county or a city not within a county files criminal**  
3 **charges against a law enforcement officer or receives a complaint against a law**  
4 **enforcement officer based on the officer's actions during an officer-involved death or an**  
5 **officer-involved shooting, the appropriate court judge shall appoint a special prosecutor**  
6 **to investigate the officer's actions regarding such death or shooting. If charges have been**  
7 **filed, in addition to investigating the case, the special prosecutor shall take over**  
8 **prosecutorial duties until final disposition of the case.**

9           **2. The appropriate court judge shall have discretion to appoint any attorney**  
10 **licensed in this state as special prosecutor. Such special prosecutor shall possess all powers**  
11 **of a prosecuting attorney or assistant attorney general in exercising his or her prosecutorial**  
12 **duties. If such special prosecutor is a prosecutor of a county or a city not within a county,**  
13 **he or she shall receive no additional compensation for serving as special prosecutor. If the**  
14 **special prosecutor is not a prosecutor of a county or a city not within a county, he or she**  
15 **shall receive a reasonable fee for serving as such special prosecutor. Such fee shall be fixed**  
16 **by the judge appointing the attorney and shall be paid from the funds of the office of the**  
17 **prosecutor of the jurisdiction in which the complaint or charges are filed.**

**3. For the purposes of this section, the following terms shall mean:**

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.

18           **(1) "Officer-involved death", the death of an individual that results directly from**  
19 **an action or an omission of a law enforcement officer while the officer is on duty or while**  
20 **the officer is off duty but performing activities that are within the scope of his or her law**  
21 **enforcement duties;**

22           **(2) "Officer-involved shooting", an incident in which an individual is injured as a**  
23 **result of a law enforcement officer discharging his or her firearm while the officer is on**  
24 **duty or while the officer is off duty but performing activities that are within the scope of**  
25 **his or her law enforcement duties.**

✓