

HB 2433 -- COUNTY PROSECUTORS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 7 to 1.

This bill specifies that two or more contiguous counties in a judicial circuit may act cooperatively to employ a prosecuting attorney pursuant to procedures under current law allowing cooperation among counties. The shared prosecuting attorney is to be elected at the 2022 general election and every four years thereafter.

The bill allows any prosecuting attorney to represent state agencies in debt collection cases and provide at least six hours of continuing education to police officers. Unless there is a different agreement, the prosecuting attorney retains 20% of all debt collected on behalf of state agencies with one-half of the fee to go to the Missouri Office of Prosecution Services Fund and one-half to go to the county treasurer to be used solely for the prosecutor's office. If the prosecutor is a shared prosecutor, then the retained fee goes to each county on a pro rata basis. Under these provisions, prosecuting attorneys representing multiple counties must receive compensation equal to that of an associate circuit judge, which is prorated among the counties.

Current law provides that part-time prosecutors are to be paid according to a scale set in statute that is based on the assessed violation of the county. The scale ranges from \$37,000 to \$55,000. This bill provides that part-time prosecutors may receive a salary of up to 75% of the compensation of an associate circuit judge and, beginning in 2019, must receive a minimum compensation equal to 40% of the compensation of an associate circuit judge. In 2023, part-time prosecutors must receive a minimum compensation of at least 45% of the compensation of an associate circuit judge, and beginning in 2027, part-time prosecutors must receive a minimum compensation equal to 50% of the compensation of an associate circuit judge.

The bill requires the counties to share in the retirement contribution for the prosecuting attorney. The annuity for such prosecuting attorneys is 50% of the final average compensation. Under current law, a majority of voters in each county affected by a proposition to create a cooperative district must approve the proposition. This bill provides that, when the proposition is for the common employment of a prosecutor, four-sevenths of the voters in each county must approve the proposition unless no one has filed for the office of prosecutor during the preceding eight years in

one of the counties in the circuit or none of the residents qualify for the office in at least one of the counties in the circuit. In the event that one of these two situations exist, a simple majority vote of approval from each county is required.

When the counties adopt a proposition to cooperate to employ a prosecutor, the commissioners of all the counties must approve a joint agreement that includes a formula for calculating each county's costs and procedures for the approval of the prosecutor's annual budget.

Current law requires a simple majority vote for a county to withdraw from a cooperative district. This bill provides that, if the original proposition to join the district required a four-sevenths majority vote, the proposition to withdraw from the district must also receive approval from four-sevenths of the voters in the county.

This bill is the same as SB 707 (2016).

PROPOSERS: Supporters say that this bill would set up a mechanism to increase the pay for county prosecutors. It has been 17 years since the last across the board raise for part-time prosecutors. There is a pay disparity between full- and part-time prosecutors that cannot be accounted for based on hours worked; full-time prosecutors have received raises over the years whereas part-time prosecutors have not, leaving a large disparity.

Testifying for the bill were Representative McGaugh; Robert McCulloch, Saint Louis County; Brian Keedy, Sullivan County; and the Missouri Association Of Prosecuting Attorneys.

OPPOSERS: There was no opposition voiced to the committee.