

HB 1095 -- PROSECUTING ATTORNEYS

SPONSOR: Chappell

This bill creates the "Missouri Special Prosecutor Appointment Committee", whose five members will be elected by a secret ballot vote of the prosecuting and circuit attorneys of the state. Currently, if a prosecuting attorney and assistant prosecuting attorney has a conflict of interest or is related to the defendant in a criminal prosecution, the court having criminal jurisdiction is authorized to appoint another attorney to prosecute or defend the cause. Under this bill, the Missouri Special Prosecutor Appointment Committee will appoint another attorney to prosecute the cause when the prosecuting and assistant prosecuting attorneys have a conflict of interest or are related to the defendant or defense counsel in a criminal prosecution. The bill provides additional circumstances under which a special prosecutor can be appointed by the Appointment Committee. The Committee will review case referrals, appoint a special prosecutor if necessary, and inform the presiding judge. In the case of a denial, the committee will provide written notice to the person who requested a special prosecutor to be appointed. Finally, the bill allows two or more contiguous counties, with consent of a prosecuting attorney, to enter into an agreement to provide prosecutorial services for a county that does not have an elected or appointed prosecuting attorney, as long as the agreement is authorized by the county commissions of all the involved counties. If a prosecuting attorney is elected or appointed, the agreement will automatically expire.