

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 80
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 19, 2015, with recommendation that the Senate Committee Substitute do pass.

0158S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 1.020, 56.010, 56.060, 56.066, 56.067, 56.265, 56.363, 56.640, 56.700, 56.805, 56.807, 56.816, 70.010, 70.060, and 70.090, RSMo, and to enact in lieu thereof seventeen new sections relating to prosecuting attorneys.

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

Section A. Sections 1.020, 56.010, 56.060, 56.066, 56.067, 56.265, 56.363, 56.640, 56.700, 56.805, 56.807, 56.816, 70.010, 70.060, and 70.090, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 1.020, 56.010, 56.015, 56.017, 56.060, 56.066, 56.067, 56.265, 56.363, 56.640, 56.700, 56.805, 56.807, 56.816, 70.010, 70.060, and 70.090, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise specially provided or unless plainly repugnant to the intent of the legislature or to the context thereof:

(1) "Certified mail" or "certified mail with return receipt requested", includes certified mail carried by the United States Postal Service, or any parcel or letter carried by an overnight, express, or ground delivery service that allows a sender or recipient to electronically track its location and provides record of the signature of the recipient;

(2) ["County or circuit attorney" means prosecuting attorney] **"County attorney", "circuit attorney", "prosecuting attorney", or any derivation thereof, when used in the context of the functions, duties, powers, and responsibilities of the office, means an elected official of a county or designated jurisdiction with the responsibility for prosecuting**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 **violations of state law;**

15 (3) "Executor" includes administrator where the subject matter applies to
16 an administrator;

17 (4) "General election" means the election required to be held on the
18 Tuesday succeeding the first Monday of November, biennially;

19 (5) "Guardian", if used in a section in a context relating to property rights
20 or obligations, means conservator of the estate as defined in chapter
21 475. "Guardianship", if used in a section in a context relating to rights and
22 obligations other than property rights or obligations, means guardian of the
23 person as defined in chapter 475;

24 (6) "Handicap" means a mental or physical impairment that substantially
25 limits one or more major life activities, whether the impairment is congenital or
26 acquired by accident, injury, or disease, and where the impairment is verified by
27 medical findings;

28 (7) "Heretofore" means any time previous to the day when the statute
29 containing it takes effect; and "hereafter" means the time after the statute
30 containing it takes effect;

31 (8) "In vacation" includes any adjournment of court for more than one day
32 whenever any act is authorized to be done by or any power given to a court, or
33 judge thereof in vacation, or whenever any act is authorized to be done by or any
34 power given to a clerk of any court in vacation;

35 (9) "Incompetent", if used in a section in a context relating to actual
36 occupational ability without reference to a court adjudication of incompetency,
37 means the actual ability of a person to perform in that
38 occupation. "Incompetent", if used in a section in a context relating to the
39 property rights and obligations of a person, means a disabled person as defined
40 in chapter 475. "Incompetent", if used in a section in a context relating to the
41 rights and obligations of a person other than property rights and obligations,
42 means an incapacitated person as defined in chapter 475;

43 (10) "Justice of the county court" means commissioner of the county
44 commission;

45 (11) "Month" and "year". "Month" means a calendar month, and "year"
46 means a calendar year unless otherwise expressed, and is equivalent to the words
47 year of our Lord;

48 (12) The word "person" may extend and be applied to bodies politic and
49 corporate, and to partnerships and other unincorporated associations;

50 (13) "Personal property" includes money, goods, chattels, things in action
51 and evidences of debt;

52 (14) "Place of residence" means the place where the family of any person
53 permanently resides in this state, and the place where any person having no
54 family generally lodges;

55 (15) "Preceding" and "following", when used by way of reference to any
56 section of the statutes, mean the section next preceding or next following that in
57 which the reference is made, unless some other section is expressly designated
58 in the reference;

59 (16) "Property" includes real and personal property;

60 (17) "Real property" or "premises" or "real estate" or "lands" is coextensive
61 with lands, tenements and hereditaments;

62 (18) "State", when applied to any of the United States, includes the
63 District of Columbia and the territories, and the words "United States" includes
64 such district and territories;

65 (19) "Under legal disability" includes persons within the age of minority
66 or of unsound mind or imprisoned;

67 (20) "Ward", if used in a section in a context relating to the property
68 rights and obligations of a person, means a protectee as defined in chapter
69 475. "Ward", if used in a section in a context relating to the rights and
70 obligations of a person other than property rights and obligations, means a ward
71 as defined in chapter 475;

72 (21) "Will" includes the words testament and codicil;

73 (22) "Written" and "in writing" and "writing word for word" includes
74 printing, lithographing, or other mode of representing words and letters, but in
75 all cases where the signature of any person is required, the proper handwriting
76 of the person, or his mark, is intended.

56.010. 1. **Except as otherwise provided under subsection 2 of**
2 **this section**, at the general election [to be held in this state in the year A.D.
3 1982] **in 2018**, and every four years thereafter, there shall be elected in each
4 county [of this state], **or beginning in 2022 and every four years thereafter**
5 **there shall be elected in each multicounty jurisdiction established**
6 **under section 56.015**, a prosecuting attorney, who shall be a person learned in
7 the law, duly licensed to practice as an attorney at law in this state, and enrolled
8 as such, at least twenty-one years of age, and who has been a bona fide resident
9 of the [county] **jurisdiction** in which he **or she** seeks election for twelve months

10 next preceding the date of the general election at which he **or she** is a candidate
11 for such office and shall hold his **or her** office for four years, and until his **or her**
12 successor is elected, commissioned and qualified.

13 **2. The prosecuting attorney for each county with a charter form**
14 **of government shall be elected at the general election provided for in**
15 **the county's charter.**

56.015. 1. Beginning with the prosecuting attorney elected at the
2 **2022 general election, two or more contiguous counties within a single**
3 **judicial circuit may act cooperatively in the common employment of a**
4 **prosecuting attorney in the manner provided under sections 70.010 to**
5 **70.090.**

6 **2. The provisions of this section shall not apply to first class**
7 **counties or counties with a charter form of government.**

56.017. 1. Each prosecuting attorney who serves multiple
2 **counties under section 56.015 shall have all the powers and duties**
3 **provided to prosecuting attorneys in counties of the first classification**
4 **and the prosecuting attorneys shall also perform the duties required of**
5 **prosecuting attorneys in the counties he or she represents under**
6 **sections 56.291, 56.293, 56.300, and 56.305.**

7 **2. The prosecuting attorney shall be responsible for the budgets**
8 **and staff of the offices within each county employing the prosecuting**
9 **attorney. He or she may appoint such assistant prosecuting attorneys**
10 **and employ such investigators and stenographic and clerical help as**
11 **the prosecuting attorney deems necessary for the proper discharge of**
12 **the duties of the prosecuting attorney's office, and may set their**
13 **compensation within the limits of the allocations made for that purpose**
14 **by joint agreement of the governing bodies of the employing**
15 **counties. The compensation for the assistant prosecuting attorneys,**
16 **investigators, and stenographic and clerical help shall be paid in equal**
17 **installments out of the respective county treasuries in the same manner**
18 **as other county employees are paid.**

19 **3. The assistant prosecuting attorneys shall be subject to the**
20 **same fines and penalties for neglect of duty or misdemeanor in office**
21 **as the prosecuting attorney.**

22 **4. All assistant prosecuting attorneys, investigators, and**
23 **stenographic and clerical help shall hold office at the pleasure of the**
24 **prosecuting attorney.**

56.060. 1. **In each county the prosecuting attorney serves, he or she**
2 shall commence and prosecute all civil and criminal actions [in the prosecuting
3 attorney's county] in which the county or state is concerned, defend all suits
4 against the state or county, and prosecute forfeited recognizances and actions for
5 the recovery of debts, fines, penalties and forfeitures accruing to the state or
6 county. In all cases, civil and criminal, in which changes of venue are granted,
7 the prosecuting attorney shall follow and prosecute or defend, as the case may be,
8 all the causes, for which, in addition to the fees now allowed by law, the
9 prosecuting attorney shall receive his or her actual expenses. If any
10 misdemeanor case is taken to the court of appeals by appeal the prosecuting
11 attorney shall represent the state in the case in the court and make out and
12 cause to be printed, at the expense of the county, all necessary abstracts of record
13 and briefs, and if necessary appear in the court in person, or shall employ some
14 attorney at the prosecuting attorney's own expense to represent the state in the
15 court, and for his or her services he or she shall receive the compensation that is
16 proper, not to exceed twenty-five dollars for each case, and necessary traveling
17 expenses, to be audited and paid as other claims are audited and paid by the
18 county commission of the county.

19 2. Notwithstanding the provisions of subsection 1 of this section, in any
20 county for which a county counselor is appointed, the prosecuting attorney shall
21 only perform those duties prescribed by subsection 1 of this section which are not
22 performed by the county counselor under the provisions of law relating to the
23 office of county counselor.

24 3. **In each county the prosecuting attorney serves, he or she may**
25 **perform the following duties in addition to all other duties imposed by**
26 **law:**

27 (1) **Represent state agencies in the collection of debt within the**
28 **jurisdiction, except as otherwise provided by law or for the collection**
29 **of debt owed for services rendered by the state public defender system**
30 **unless such collection is pursuant to a mutual agreement or**
31 **memorandum of understanding between the public defender system**
32 **and the prosecuting attorney; and**

33 (2) **Provide not less than six hours of continuing education to**
34 **peace officers in the jurisdiction in each year of his or her term of**
35 **office.**

36 4. **In the absence of an agreement otherwise, the prosecuting**

37 attorney shall retain twenty percent of all debt collected on behalf of
38 state agencies under subsection 3 of this section as a collection fee:

39 (1) One-half of the fee collected shall be payable to the state of
40 Missouri and remitted to the director of revenue who shall deposit the
41 amount collected pursuant to this section to the credit of the Missouri
42 office of prosecution services fund to be used only for the purpose of
43 offsetting county expenses related to victim services, office supplies,
44 postage, books, training, office equipment, capital outlay, expenses of
45 trial and witness preparation, additional employees for the staff of the
46 prosecuting attorney, and salary supplements for existing employees on
47 the staff of the prosecuting attorney; and

48 (2) One-half of the fee collected shall be payable to the county
49 treasurer of each county employing the prosecuting attorney on a pro
50 rata basis, pursuant to the agreement entered into by the counties
51 under section 70.060, if applicable, and deposited into the county
52 treasury to be used solely for the office of the prosecuting attorney.

56.066. 1. In any jurisdiction including any county which contains
2 facilities which are operated by the department of corrections with:

3 (1) A total average yearly inmate population in excess of seven hundred
4 and fifty persons but less than one thousand five hundred persons, the
5 prosecuting attorney shall receive ten thousand dollars per annum in addition to
6 all other compensation provided by law[. In any county which contains facilities
7 which are operated by the department of corrections with];

8 (2) A total average yearly inmate population in excess of one thousand
9 five hundred persons but less than three thousand persons, the prosecuting
10 attorney shall receive twelve thousand five hundred dollars per annum in
11 addition to all other compensation provided by law[. In any county which
12 contains facilities which are operated by the department of corrections with];

13 (3) A total average yearly inmate population in excess of three thousand
14 persons but less than four thousand persons, the prosecuting attorney shall
15 receive fifteen thousand dollars per annum in addition to all other compensation
16 provided by law[. In any county which contains facilities which are operated by
17 the department of corrections with];

18 (4) A total average inmate population in excess of four thousand persons,
19 the prosecuting attorney shall receive twenty thousand dollars per annum in
20 addition to all other compensation provided by law.

21 **2.** The compensation provided in connection with the average inmate
 22 population shall not be considered for purposes of determining any increase in
 23 compensation from January 1, 1988. The amounts provided in this subsection
 24 shall be included in the computation of the maximum allowable compensation as
 25 that term is used in section 50.333.

26 **[2.] 3.** Notwithstanding the provisions of section 56.360, the prosecuting
 27 attorney of **a jurisdiction including** any county of the fourth classification,
 28 with a population of at least forty-eight thousand and not more than sixty
 29 thousand inhabitants, two correctional facilities and a state mental health center,
 30 shall devote full time to the prosecutor's office, and, except for the performance
 31 of official duties, shall not engage in the practice of law.

 56.067. In counties of the first classification not having a charter form of
 2 government and other **[counties] jurisdictions** in which the prosecuting attorney
 3 is a full-time position, the prosecuting attorney, except in the performance of
 4 special prosecutions or otherwise representing the state or its political
 5 subdivisions, shall devote full time to his office, and shall not engage in the
 6 practice of law.

 56.265. 1. **[The county] A** prosecuting attorney **[in any county]**, other
 2 than **a prosecuting attorney** in a chartered county, shall receive an annual
 3 salary computed using the following schedule, when applicable. The assessed
 4 valuation factor shall be the amount thereof as shown for the year immediately
 5 preceding the year for which the computation is done.

6 (1) **[For] A full-time [prosecutor the prosecutor] prosecuting attorney**
 7 shall receive compensation equal to the compensation of an associate circuit
 8 judge;

9 (2) **[For] A part-time [prosecutor] prosecuting attorney may receive**
 10 **a maximum compensation equal to seventy-five percent of the**
 11 **compensation of an associate circuit judge, and at a minimum, shall**
 12 **receive compensation according to the following scale:**

13	Assessed Valuation	Amount
14	\$ 18,000,000 to 40,999,999	\$ 37,000
15	41,000,000 to 53,999,999	38,000
16	54,000,000 to 65,999,999	39,000
17	66,000,000 to 85,999,999	41,000
18	86,000,000 to 99,999,999	43,000
19	100,000,000 to 130,999,999	45,000

20	131,000,000 to 159,999,999	47,000
21	160,000,000 to 189,999,999	49,000
22	190,000,000 to 249,999,999	51,000
23	250,000,000 to 299,999,999	53,000
24	300,000,000 or more	55,000

25 2. Two thousand dollars of the salary authorized in this section shall be
 26 payable to the prosecuting attorney only if the prosecuting attorney has
 27 completed at least twenty hours of classroom instruction each calendar year
 28 relating to the operations of the prosecuting attorney's office when approved by
 29 a professional association of the [county] prosecuting attorneys of Missouri,
 30 unless exempted from the training by the professional association. The
 31 professional association approving the program shall provide a certificate of
 32 completion to each prosecuting attorney who completes the training program and
 33 shall send a list of certified prosecuting attorneys to the treasurer of each
 34 county. Expenses incurred for attending the training session may be reimbursed
 35 to the [county] prosecuting attorney in the same manner as other expenses as
 36 may be appropriated for that purpose.

37 3. As used in this section, the term "prosecuting attorney" includes the
 38 circuit attorney of any city not within a county.

39 4. The prosecuting attorney of any county which becomes a county of the
 40 first classification during a four-year term of office or a county which passed the
 41 proposition authorized by subsection 1 of section 56.363 shall not be required to
 42 devote full time to such office pursuant to section 56.067 until the beginning of
 43 the prosecuting attorney's next term of office or until the proposition otherwise
 44 becomes effective.

45 5. The provisions of section 56.066 shall not apply to full-time prosecutors
 46 who are compensated pursuant to subdivision (1) of subsection 1 of this section.

56.363. 1. The county commission of any county may on its own motion
 2 and shall upon the petition of ten percent of the total number of people who voted
 3 in the previous general election in the county submit to the voters at a general
 4 or special election the proposition of making the [county prosecutor] **office of**
 5 **prosecuting attorney** a full-time position. The commission shall cause notice
 6 of the election to be published in a newspaper published within the county, or if
 7 no newspaper is published within the county, in a newspaper published in an
 8 adjoining county, for three weeks consecutively, the last insertion of which shall
 9 be at least ten days and not more than thirty days before the day of the election,

10 and by posting printed notices thereof at three of the most public places in each
11 township in the county. The proposition shall be put before the voters
12 substantially in the following form:

13 Shall the office of prosecuting attorney be made a full-time position in
14 County?

15 YES

NO

16 If a majority of the voters voting on the proposition vote in favor of making the
17 county prosecutor a full-time position, it shall become effective upon the date that
18 the **[prosecutor] prosecuting attorney** who is elected at the next election
19 subsequent to the passage of such proposal is sworn into office.

20 2. The provisions of subsection 1 of this section notwithstanding, in any
21 county where the proposition of making the **[county prosecutor] office of**
22 **prosecuting attorney** a full-time position was submitted to the voters at a
23 general election in 1998 and where a majority of the voters voting on the
24 proposition voted in favor of making the county prosecutor a full-time position,
25 the proposition shall become effective on May 1, 1999. Any prosecuting attorney
26 whose position becomes full time on May 1, 1999, under the provisions of this
27 subsection shall have the additional duty of providing not less than three hours
28 of continuing education to peace officers in the county served by the prosecuting
29 attorney in each year of the term beginning January 1, 1999.

30 3. In counties that, prior to August 28, 2001, have elected pursuant to this
31 section to make the position of prosecuting attorney a full-time position, the
32 county commission may at any time elect to have that position also qualify for the
33 retirement benefit available for a full-time **[prosecutor] prosecuting attorney**
34 of a county of the first classification. Such election shall be made by a majority
35 vote of the county commission and once made shall be irrevocable, unless the
36 voters of the county elect to change the position of prosecuting attorney back to
37 a part-time position under subsection 4 of this section. When such an election is
38 made, the results shall be transmitted to the Missouri prosecuting attorneys and
39 circuit attorneys' retirement system fund, and the election shall be effective on
40 the first day of January following such election. Such election shall also obligate
41 the county to pay into the Missouri prosecuting attorneys and circuit attorneys'
42 system retirement fund the same retirement contributions for full-time
43 **[prosecutors] prosecuting attorneys** as are paid by counties of the first
44 classification.

45 4. In any county of the third classification without a township form of

46 government and with more than twelve thousand but fewer than fourteen
47 thousand inhabitants and with a city of the fourth classification with more than
48 one thousand seven hundred but fewer than one thousand nine hundred
49 inhabitants as the county seat that has elected to make the [county prosecutor]
50 **office of prosecuting attorney** a full-time position under this section after
51 August 28, 2014, the county commission may on its own motion and shall upon
52 the petition of ten percent of the total number of people who voted in the previous
53 general election in the county submit to the voters at a general or special election
54 the proposition of changing the full-time prosecutor position to a part-time
55 position. The commission shall cause notice of the election to be published in a
56 newspaper published within the county, or if no newspaper is published within
57 the county, in a newspaper published in an adjoining county, for three weeks
58 consecutively, the last insertion of which shall be at least ten days and not more
59 than thirty days before the day of the election, and by posting printed notices
60 thereof at three of the most public places in each township in the county. The
61 proposition shall be put before the voters substantially in the following form:

62 Shall the office of prosecuting attorney be made a part-time position in
63 County?

64 YES NO

65 If a majority of the voters vote in favor of making the [county prosecutor] **office**
66 **of prosecuting attorney** a part-time position, it shall become effective upon the
67 date that the [prosecutor] **prosecuting attorney** who is elected at the next
68 election subsequent to the passage of such proposal is sworn into office.

69 5. In any county that has elected to make the full-time position of [county
70 prosecutor] **prosecuting attorney** a part-time position under subsection 4 of
71 this section, the county's retirement contribution to the retirement system and
72 the retirement benefit earned by the member shall prospectively be that of a
73 part-time [prosecutor] **prosecuting attorney** as established in this
74 chapter. Any retirement contribution made and retirement benefit earned prior
75 to the effective date of the voter-approved proposition under subsection 4 of this
76 section shall be maintained by the retirement system and used to calculate the
77 retirement benefit for such prior full-time position service. Under no
78 circumstances shall a member in a part-time [prosecutor] **prosecuting attorney**
79 position earn full-time position retirement benefit service accruals for time
80 periods after the effective date of the proposition changing the [county
81 prosecutor] **office of prosecuting attorney** back to a part-time position.

56.640. 1. If a county counselor is appointed, the county counselor and
2 the county counselor's assistants under the county counselor's direction shall
3 represent the county and all departments, officers, institutions and agencies
4 thereof, except as otherwise provided by law and shall upon request of any county
5 department, officer, institution or agency for which legal counsel is otherwise
6 provided by law, and upon the approval of the county commission or governing
7 body, represent such department, officer, institution or agency. The county
8 counselor shall commence, prosecute or defend, as the case may require, and
9 exercise exclusive authority in all civil suits or actions in which the county or any
10 county officer, commission, governing body, or agency is a party, in the county
11 counselor's or its official capacity, the county counselor shall draw all contracts
12 relating to the business of the county, the county counselor shall represent the
13 county generally in all matters of civil law, and the county counselor shall upon
14 request furnish written opinions to any county officer or department.

15 2. In all cases in which a civil fine may be imposed pursuant to section
16 49.272, it shall be the duty of the county counselor, rather than the [county]
17 prosecuting attorney, to prosecute such violations in the associate division of the
18 circuit court in the county where the violation occurred.

19 3. Notwithstanding any law to the contrary, the county counselor in any
20 county of the first classification and the prosecuting attorney of such county may
21 by mutual cooperation agreement prosecute or defend any civil action which the
22 prosecuting attorney or county counselor of the county is authorized or required
23 by law to prosecute or defend.

56.700. 1. The prosecuting attorney [in each] of each jurisdiction
2 **including** a county of the second, third or fourth class which contains a mental
3 health facility able to serve at least eighty persons on an overnight, inpatient
4 basis at any one time, and which is operated by the state department of mental
5 health, division of psychiatric services, may employ an assistant prosecuting
6 attorney to assist in carrying out the duties of the office of prosecuting attorney
7 relating to mental health and mental health facilities. The assistant prosecuting
8 attorney authorized by this subsection shall be in addition to any other assistant
9 prosecuting attorney authorized by law. The assistant prosecuting attorney
10 employed under this subsection shall receive an annual compensation of fifteen
11 thousand dollars payable out of the state treasury from funds appropriated for
12 that purpose.

13 2. The county counselor or circuit attorney in each county of the first class

14 with a charter form of government containing part of a city with a population of
15 over four hundred fifty thousand and in each city not within a county may employ
16 an assistant county counselor or circuit attorney to assist in carrying out the
17 duties of the office of the county counselor or circuit attorney relating to mental
18 health and mental health facilities. The assistant authorized by this subsection
19 shall be in addition to any other assistants authorized by law. The assistant
20 county counselor or circuit attorney employed under this subsection shall receive
21 an annual compensation of fifteen thousand dollars payable out of the state
22 treasury from funds appropriated for that purpose.

23 3. The prosecuting attorney [in each] **of each jurisdiction including**
24 **a** county of the second, third or fourth class which contains a mental health
25 facility able to serve at least eighty persons on an overnight, inpatient basis at
26 any one time, and which is operated by the state department of mental health,
27 division of psychiatric services, may employ additional investigative and clerical
28 personnel to assist in carrying out the duties of the office of prosecuting attorney
29 relating to mental health and mental health facilities. The investigative and
30 clerical personnel authorized by this subsection shall be in addition to any other
31 personnel authorized by law. The compensation for such additional investigative
32 and clerical personnel, not to exceed a total of fifteen thousand dollars annually
33 for each eligible county, shall be paid out of the state treasury from funds
34 appropriated for that purpose.

35 4. The county counselor or circuit attorney in each county of the first class
36 with a charter form of government containing part of a city with a population of
37 over four hundred fifty thousand and in each city not within a county may employ
38 additional investigative and clerical personnel to assist in carrying out the duties
39 of the office of the county counselor or circuit attorney relating to mental health
40 and mental health facilities. The investigative and clerical personnel authorized
41 by this subsection shall be in addition to any other personnel authorized by
42 law. The compensation for such additional investigative and clerical personnel,
43 not to exceed a total of fifteen thousand dollars annually for each eligible county
44 or city not within a county, shall be paid out of the state treasury from funds
45 appropriated for that purpose.

 56.805. As used in sections 56.800 to 56.840, the following words and
2 terms mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to
4 a retired member from funds provided for, in, or authorized by, the provisions of

5 sections 56.800 to 56.840;

6 (2) "Average final compensation", the average compensation of an
7 employee for the two consecutive years prior to retirement when the employee's
8 compensation was greatest;

9 (3) "Board of trustees" or "board", the board of trustees established by the
10 provisions of sections 56.800 to 56.840;

11 (4) "Compensation", all salary and other compensation payable by a
12 county to an employee for personal services rendered as an employee, but not
13 including travel and mileage reimbursement;

14 (5) "County", the city of St. Louis and each county in the state;

15 (6) "Creditable service", the sum of both membership service and
16 creditable prior service;

17 (7) "Effective date of the establishment of the system", August 28, 1989;

18 (8) "Employee", an elected or appointed prosecuting attorney or circuit
19 attorney who is employed by a county or a city not within a county;

20 (9) "Membership service", service as a prosecuting attorney or circuit
21 attorney after becoming a member that is creditable in determining the amount
22 of the member's benefits under this system;

23 (10) "Prior service", service of a member rendered prior to the effective
24 date of the establishment of the system which is creditable under section 56.823;

25 (11) **"Prosecuting attorney", shall include any elected or appointed**
26 **prosecuting attorney employed by a county or counties, or circuit**
27 **attorney employed by a city not within a county;**

28 (12) "Retirement system" or "system", the prosecuting attorneys and
29 circuit attorneys' retirement system authorized by the provisions of sections
30 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter
2 until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys
3 provided for in subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until
5 August 27, 2003, each county treasurer shall pay to the system the following
6 amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided
8 in subdivision (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars
10 and sixty-seven cents;

11 (3) For counties of the first classification, and, except as otherwise
12 provided under section 56.363, counties which pursuant to section 56.363 elect to
13 make the position of prosecuting attorney a full-time position after August 28,
14 2001, or whose county commission has elected a full-time retirement benefit
15 pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand
16 two hundred ninety-one dollars and sixty-seven cents;

17 (4) **For counties that are engaged in the common employment of**
18 **a prosecuting attorney as provided in section 56.015, one thousand two**
19 **hundred ninety-one dollars and sixty-seven cents, which shall be**
20 **prorated among the counties pursuant to the joint agreement the**
21 **counties entered into under section 70.060.**

22 3. Beginning August 28, 1989, and continuing until August 27, 2003, the
23 county treasurer shall at least monthly transmit the sums specified in subsection
24 2 of this section to the Missouri office of prosecution services for deposit to the
25 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement
26 System Fund", which is hereby created. All moneys held by the state treasurer
27 on behalf of the system shall be paid to the system within ninety days after
28 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit
29 attorneys' retirement system fund shall be used only for the purposes provided
30 in sections 56.800 to 56.840 and for no other purpose.

31 4. Beginning August 28, 2003, the funds for prosecuting attorneys and
32 circuit attorneys provided for in this section shall be paid from county or city
33 funds and the surcharge established in this section and collected as provided by
34 this section and sections 488.010 to 488.020.

35 5. (1) Beginning August 28, 2003, each county treasurer shall pay to the
36 system the following amounts to be drawn from the general revenues of the
37 county:

38 (a) For counties of the third and fourth classification except as provided
39 in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

40 (b) For counties of the second classification, two hundred seventy-one
41 dollars;

42 (c) For counties of the first classification, counties which pursuant to
43 section 56.363 elect to make the position of prosecuting attorney a full-time
44 position after August 28, 2001, or whose county commission has elected a
45 full-time retirement benefit pursuant to subsection 3 of section 56.363, and the
46 City of St. Louis, six hundred forty-six dollars.

47 (2) Beginning August 28, 2015, the county contribution set forth in
48 paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in
49 accordance with the following schedule based upon the prosecuting attorneys and
50 circuit attorneys' retirement system's annual actuarial valuation report. If the
51 system's funding ratio is:

52 (a) One hundred twenty percent or more, no monthly sum shall be
53 transmitted;

54 (b) More than one hundred ten percent but less than one hundred twenty
55 percent, the monthly sum transmitted shall be reduced fifty percent;

56 (c) At least ninety percent and up to and including one hundred ten
57 percent, the monthly sum transmitted shall remain the same;

58 (d) At least eighty percent and less than ninety percent, the monthly sum
59 transmitted shall be increased fifty percent; and

60 (e) Less than eighty percent, the monthly sum transmitted shall be
61 increased one hundred percent.

62 6. Beginning August 28, 2003, the county treasurer shall at least monthly
63 transmit the sums specified in subsection 5 of this section to the Missouri office
64 of prosecution services for deposit to the credit of the Missouri prosecuting
65 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri
66 prosecuting attorneys and circuit attorneys' retirement system fund shall be used
67 only for the purposes provided in sections 56.800 to 56.840, and for no other
68 purpose.

69 7. Beginning August 28, 2003, the following surcharge for prosecuting
70 attorneys and circuit attorneys shall be collected and paid as follows:

71 (1) There shall be assessed and collected a surcharge of four dollars in all
72 criminal cases filed in the courts of this state including violation of any county
73 ordinance, any violation of criminal or traffic laws of this state, including
74 infractions, and against any person who has pled guilty for any violation and paid
75 a fine through a fine collection center, but no such surcharge shall be assessed
76 when the costs are waived or are to be paid by the state, county, or municipality
77 or when a criminal proceeding or the defendant has been dismissed by the
78 court. For purposes of this section, the term "county ordinance" shall include any
79 ordinance of the City of St. Louis;

80 (2) The clerk responsible for collecting court costs in criminal cases shall
81 collect and disburse such amounts as provided by sections 488.010 to
82 488.026. Such funds shall be payable to the prosecuting attorneys and circuit

83 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and
84 circuit attorneys' retirement fund shall be used only for the purposes provided for
85 in sections 56.800 to 56.840 and for no other purpose.

86 8. The board may accept gifts, donations, grants and bequests from
87 private or public sources to the Missouri prosecuting attorneys and circuit
88 attorneys' retirement system fund.

89 9. No state moneys shall be used to fund section 56.700 and sections
90 56.800 to 56.840 unless provided for by law.

56.816. 1. The normal annuity of a retired member who served as
2 prosecuting attorney of a county of the third or fourth class shall, except as
3 provided in subsection 3 of this section, be equal to:

4 (1) Any member who has served twelve or more years as a prosecuting
5 attorney and who meets the conditions of retirement at or after the member's
6 normal retirement age shall be entitled to a normal annuity in a monthly amount
7 equal to one hundred five dollars multiplied by the number of two-year periods
8 and partial two-year periods served as a prosecuting attorney;

9 (2) Any member who has served twenty or more years as a prosecuting
10 attorney and who meets the conditions of retirement at or after the member's
11 normal retirement age shall be entitled to a normal annuity in a monthly amount
12 equal to one hundred thirty dollars multiplied by the number of two-year periods
13 and partial two-year periods as a prosecuting attorney.

14 2. The normal annuity of a retired member who served as prosecuting
15 attorney of a first or second class county [or], as circuit attorney of a city not
16 within a county, **or as prosecuting attorney of a multicounty jurisdiction**
17 shall be equal to fifty percent of the final average compensation.

18 3. Except as otherwise provided under section 56.363, the normal annuity
19 of a retired member who served as a prosecuting attorney of a county which after
20 August 28, 2001, elected to make the position of prosecuting attorney full time
21 pursuant to section 56.363 shall be equal to fifty percent of the final average
22 compensation.

23 4. The actuarial present value of a retired member's benefits shall be
24 placed in a reserve account designated as a "Retired Lives Reserve". The value
25 of the retired lives reserve shall be increased by the actuarial present value of
26 retiring members' benefits, and by the interest earning of the total fund on a pro
27 rata basis and it shall be decreased by payments to retired members and their
28 survivors. Each year the actuary shall compare the actuarial present value of

29 retired members' benefits with the retired lives reserve. If the value of the
30 retired lives reserve plus one year's interest at the assumed rate of interest
31 exceeds the actuarial present value of retired lives, then distribution of this
32 excess may be made equally to all retired members, or their eligible
33 survivors. The distribution may be in a single sum or in monthly payments at
34 the discretion of the board on the advice of the actuary.

70.010. 1. Two or more, not exceeding ten, contiguous counties may join
2 in performing any common function or service, including the purchase,
3 construction and maintenance of hospitals, almshouses, road machinery and any
4 other county property and may join in the common employment of any county
5 officer or employee common to each of the counties. The county commissions
6 shall administer the delegated powers and allocate the costs among the counties.

7 2. County coroners of any number of contiguous counties may establish
8 a cooperative district and appoint a district coroner and deputy district coroner
9 for such district. District coroners and deputy district coroners shall be county
10 coroners selected by a majority vote of coroners of counties within the district and
11 certified as master death investigators by a professional association of the county
12 coroners of Missouri. The district and deputy district coroners shall receive
13 remuneration only for necessary expenses incurred for providing assistance in the
14 investigation of a death at the request of a county coroner which shall be paid in
15 the manner provided under the provisions of section 58.570.

16 **3. Beginning with the prosecuting attorney elected at the 2022**
17 **general election, two or more contiguous counties of the second, third,**
18 **or fourth classification within a single judicial circuit may act**
19 **cooperatively in the common employment of a prosecuting attorney.**

70.060. 1. Upon the receipt of a notice that [the] a proposition for any
2 **purpose other than the common employment of a prosecuting attorney**
3 has been adopted as provided in section 70.050, the presiding commissioner of the
4 most populous county, as determined by the last federal decennial census, shall
5 call a meeting of the county commissions of all the counties voting on the
6 proposition, at such place and time as he **or she** may designate. Unless
7 otherwise provided by law, the respective county commissions sitting as a body,
8 with each county commissioner having one vote, shall proceed to administer the
9 function, service or common employment of the county officer or employee and
10 allocate the costs among the counties. Any county that has voted to participate
11 in a joint undertaking as provided in sections 70.010 to 70.090 is hereby

12 authorized to issue bonds, as provided by law for the issuance of county bonds,
13 for such purposes.

14 **2. Upon the receipt of a notice that a proposition for the common**
15 **employment of a prosecuting attorney has been adopted as provided in**
16 **section 70.050, the presiding commissioner of the most populous county,**
17 **as determined by the last federal decennial census, shall call a meeting**
18 **of the county commissions of all the counties voting on the proposition,**
19 **at such place and time as he or she may designate. The respective**
20 **county commissions sitting as a body, with each county commissioner**
21 **having one vote, shall proceed to approve a joint agreement which**
22 **specifies the duties of each county. The agreement shall contain the**
23 **following:**

24 **(1) The names of the counties engaging in the common**
25 **employment of the prosecuting attorney;**

26 **(2) The formula for calculating each county's contribution to the**
27 **costs of the prosecuting attorney's office;**

28 **(3) The formula for calculating each county's portion of the fee**
29 **collected under subsection 3 of section 56.060; and**

30 **(4) The timing and procedures for approval of the annual budget**
31 **for the prosecuting attorney's office by the governing bodies of the**
32 **employing counties.**

70.090. When two or more counties may have joined together for the
2 purposes of sections 70.010 to 70.090, additional counties, until the total shall
3 have reached [ten] **the limits specified in section 70.010**, may be admitted
4 to participation by all such counties, including those already participating and
5 those desiring to participate, proceeding as is provided for in sections 70.010 to
6 70.090 for the formation of a new agreement. If the proposition to admit
7 additional counties shall fail to receive a majority vote of those voting thereon in
8 any one of such counties, including those already participating and those desiring
9 to participate, the proposition shall be deemed to have failed and the counties
10 already participating before such proposition was submitted shall carry on in the
11 same manner as before.

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