

SECOND REGULAR SESSION

SENATE BILL NO. 1193

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time February 25, 2002, and 1,000 copies ordered printed.

4910S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 56.814, RSMo, relating to district attorneys, and to enact in lieu thereof seven new sections relating to the same subject.

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

Section A. Section 56.814, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 56.814, 56.900, 56.905, 56.910, 56.915, 56.920 and 56.990, to read as follows:

56.814. **1.** Any member who has attained the age of sixty-two years and who has twelve years or more of creditable service as prosecuting attorney or circuit attorney may retire with a normal annuity.

2. Any person who is a member of the retirement system on December 31, 2006, and who has served more than four years as a prosecuting attorney or circuit attorney in a county which elects to become part of the district attorney system and does not become a district attorney on January 1, 2007, may elect to receive a reduced retirement benefit at age sixty-two in a sum equal to the proportion of the retirement benefit provided in section 56.816 that the person's period of service bears to twelve years.

56.900. 1. At the general election to be held in this state in the year A.D. 2006, and every four years thereafter, there shall be elected in each judicial circuit of this state a district attorney for those counties in the circuit that elect to become part of the district attorney system. The district attorney shall be duly licensed to practice

as an attorney at law in this state and has been a bonafide resident of the judicial circuit in which such person seeks election for twelve months next preceding the date of the general election at which such person is a candidate for such office.

2. The geographical boundaries of the judicial circuits shall correspond to those described in section 478.073, RSMo, as amended.

3. District attorneys elected under the provisions of this section shall enter upon the discharge of their duties on the first day of January next after they shall have been elected and shall serve and hold office for four years and until a successor is elected, commissioned and qualified.

4. The district attorney of each judicial circuit shall receive the same annual salary as that of a circuit judge, which shall be paid by the state out of the state treasury.

56.905. Each district attorney shall commence and prosecute all criminal and ancillary actions which the county or state is concerned in those counties that have elected to become part of the district attorney system. In cases in which changes of venue are granted, the district attorney shall follow the case. If any misdemeanor case is taken to the court of appeals by appeal, the district attorney shall represent the state in the case in the court.

56.910. 1. The district attorney may appoint such full-time and part-time assistant district attorneys, and may employ such investigators and stenographic and clerical help as the district attorney deems necessary for the proper discharge of the duties of the district attorney's office, and may set their compensation within the limits of the allocations made for that purpose by the county commissions. The compensation for the assistant district attorneys, investigators and stenographic and clerical help shall be paid in equal installments out of the county treasury in the same manner as other county employees are paid.

2. All assistant district attorneys, investigators and stenographic and clerical help shall hold office at the pleasure of the district attorney.

56.915. 1. Salaries, expenses and overhead of all district attorney offices shall be funded by the respective counties which such offices serve subject to reimbursement by the state of Missouri as described in this section.

2. For the district attorney offices existing in judicial circuits consisting of one county where such county has elected to participate in the district attorney system, the state shall reimburse the percentage of the office budget as follows:

- (1) Five percent beginning January 1, 2007, until December 31, 2007;**
- (2) Ten percent beginning January 1, 2008, until December 31, 2008;**
- (3) Fifteen percent beginning January 1, 2009, until December 31, 2009;**

- (4) Twenty percent beginning January 1, 2010, until December 31, 2010;**
- (5) Twenty-five percent beginning January 1, 2011, until December 31, 2011;**
- (6) Thirty percent beginning January 1, 2012, until December 31, 2012;**
- (7) Thirty-five percent beginning January 1, 2013, until December 31, 2013;**
- (8) Forty percent beginning January 1, 2014, until December 31, 2014;**
- (9) Forty-five percent beginning January 1, 2015, until December 31, 2015;**
- (10) Fifty percent beginning January 1, 2016, until December 31, 2016.**

3. For district attorney offices existing in judicial circuits consisting of two or more participating counties, the state shall reimburse the percentage of the office budget as follows:

- (1) Ten percent beginning January 1, 2007, until December 31, 2007;**
- (2) Twenty percent beginning January 1, 2008, until December 31, 2008;**
- (3) Thirty percent beginning January 1, 2009, until December 31, 2009;**
- (4) Forty percent beginning January 1, 2010, until December 31, 2010;**
- (5) Fifty percent beginning January 1, 2011, until December 31, 2011.**

4. The office of administration shall make payment for the reimbursement from appropriations made for that purpose on or before July fifteenth of each year following the calendar year in which such expenses by the counties were paid. In circuits where more than one county contributed to the expenses of the district attorney's office, each of such counties shall be reimbursed in the same proportion as its contribution.

56.920. The district attorney, except in the performance of special prosecutions or otherwise representing the state or its political subdivisions, shall devote full time to his office, and shall not engage in the practice of law.

56.990. 1. For counties not having a charter form of government to join the district attorney system, the county commission must adopt by majority vote a resolution to join the district attorney system and such resolution shall be in substantially the following form:

The county commission for county hereby certifies that it has met and voted to join the state district attorney system and thereby eliminate the office of prosecuting attorney.

2. The resolution provided for in subsection 1 of this section must be transmitted to the secretary of state at least twelve months in advance of the next general election at which district attorneys shall be elected and such election shall be irrevocable once such election is transmitted to the secretary of state.

3. For first class counties having a charter form of government to join the district attorney system, the governing body must adopt by charter amendment a

provision to join the district attorney system and eliminate the office of prosecuting attorney.

4. Except as otherwise provided, no office of county prosecuting attorney shall cease to exist except upon the election and qualification of a district attorney for that county and judicial circuit.

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