

FIRST REGULAR SESSION

SENATE BILL NO. 513

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS CALLAHAN AND BARTLE.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1749S.011

AN ACT

To repeal sections 545.050, 550.040, 550.050, 550.070, and 550.080, RSMo, and to enact in lieu thereof two new sections relating to costs paid by prosecutors.

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

Section A. Sections 545.050, 550.040, 550.050, 550.070, and 550.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 545.050 and 550.040, to read as follows:

545.050. [1.] No indictment for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the information and testimony of one or more grand jurors, or of some public officer in the necessary discharge of his duty.

[2. If the defendant be acquitted or the prosecution fails, judgment shall be entered against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state; and in all other trials on indictments or information, if the defendant is acquitted, the costs shall be paid by the county in which the indictment was found or information filed[, except when the prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

[550.050. 1. Every person who shall institute any prosecution to recover a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is acquitted although he may not be entitled to any part of the same.

2. When such prosecutions are commenced by a public officer whose

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

duty it is to institute the same, and the defendant is acquitted, the county shall pay the costs; if he is convicted, and unable to pay the costs, the county shall pay all the costs, except such as were incurred on the part of the defendant.]

[550.070. If a person, charged with a felony, shall be discharged by the officer taking his examination, the costs shall be paid by the prosecutor or person on whose oath the prosecution was instituted, and the officer taking such examination shall enter judgment against such person for the same, and issue execution therefor immediately; and in no such case shall the state or county pay the costs.]

[550.080. If, upon the trial of any indictment or information, the defendant shall be acquitted or discharged, and the prosecutor or prosecuting witness shall be liable to pay the costs according to law, judgment shall be rendered against such prosecutor for the costs in the case, and in no such case shall the same be paid by either the county or state.]

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