

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/Senate Bill No. 672, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "1.020. As used in the statutory laws of this state, unless
4 otherwise specially provided or unless plainly repugnant to the
5 intent of the legislature or to the context thereof:

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

12 (2) ["County or circuit attorney" means prosecuting
13 attorney] "County attorney", "circuit attorney", "district
14 attorney", "prosecuting attorney", or "prosecutor" or any
15 derivation thereof, when used in the context of the functions,
16 duties, powers, and responsibilities of the office, means an
17 elected official of a county or designated district with the
18 responsibility for prosecuting violations of state law;

19 (3) "Executor" includes administrator where the subject
20 matter applies to an administrator;

21 (4) "General election" means the election required to be

1 held on the Tuesday succeeding the first Monday of November,
2 biennially;

3 (5) "Guardian", if used in a section in a context relating
4 to property rights or obligations, means conservator of the
5 estate as defined in chapter 475. "Guardianship", if used in a
6 section in a context relating to rights and obligations other
7 than property rights or obligations, means guardian of the person
8 as defined in chapter 475;

9 (6) "Handicap" means a mental or physical impairment that
10 substantially limits one or more major life activities, whether
11 the impairment is congenital or acquired by accident, injury, or
12 disease, and where the impairment is verified by medical
13 findings;

14 (7) "Heretofore" means any time previous to the day when
15 the statute containing it takes effect; and "hereafter" means the
16 time after the statute containing it takes effect;

17 (8) "In vacation" includes any adjournment of court for
18 more than one day whenever any act is authorized to be done by or
19 any power given to a court, or judge thereof in vacation, or
20 whenever any act is authorized to be done by or any power given
21 to a clerk of any court in vacation;

22 (9) "Incompetent", if used in a section in a context
23 relating to actual occupational ability without reference to a
24 court adjudication of incompetency, means the actual ability of a
25 person to perform in that occupation. "Incompetent", if used in
26 a section in a context relating to the property rights and
27 obligations of a person, means a disabled person as defined in
28 chapter 475. "Incompetent", if used in a section in a context
29 relating to the rights and obligations of a person other than

1 property rights and obligations, means an incapacitated person as
2 defined in chapter 475;

3 (10) "Justice of the county court" means commissioner of
4 the county commission;

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

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

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

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

16 (15) "Preceding" and "following", when used by way of
17 reference to any section of the statutes, mean the section next
18 preceding or next following that in which the reference is made,
19 unless some other section is expressly designated in the
20 reference;

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

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

24 (18) "State", when applied to any of the United States,
25 includes the District of Columbia and the territories, and the
26 words "United States" includes such district and territories;

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

29 (20) "Ward", if used in a section in a context relating to

1 the property rights and obligations of a person, means a
2 protectee as defined in chapter 475. "Ward", if used in a
3 section in a context relating to the rights and obligations of a
4 person other than property rights and obligations, means a ward
5 as defined in chapter 475;

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

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

12 56.010. 1. At the general election to be held in [this
13 state in the year A.D. 1982, and every four years thereafter,]
14 the years provided under this section, there shall be elected [in
15 each county of this state] a prosecuting attorney or district
16 attorney, who shall be a person learned in the law, duly licensed
17 to practice as an attorney at law in this state, and enrolled as
18 such, at least twenty-one years of age, and who has been a bona
19 fide resident of the county or prosecutorial district in which he
20 or she seeks election for twelve months next preceding the date
21 of the general election at which he is a candidate for such
22 office and shall hold his or her office for four years, and until
23 his or her successor is elected, commissioned and qualified.

24 2. At the general election in the year 2018, and every four
25 years thereafter, in each county that has not entered into a
26 prosecutorial district under section 56.015, there shall be
27 elected a prosecuting attorney.

28 3. At the general election in the year 2018, and every four
29 years thereafter, in each prosecutorial district formed pursuant

1 to section 56.015, there shall be elected a district attorney.

2 4. At the general election provided for in its charter, and
3 every four years thereafter, in any judicial circuit composed of
4 a single charter county, there shall be elected a prosecuting
5 attorney or district attorney, as the charter may direct.

6 5. At the general election in the year 2016, in any county
7 which has adopted a resolution or charter amendment pursuant to
8 section 56.015 prior to January 1, 2015, there shall be elected a
9 district attorney, for a term of two years.

10 56.015. 1. The governing bodies of any two or more
11 contiguous counties within a single judicial circuit may act
12 cooperatively in the common employment of a district attorney.
13 Additional counties within the judicial circuit may be admitted
14 to participation by the consent of each county already
15 participating and each county seeking to participate upon the
16 approval of a new joint agreement under subsection 3 of this
17 section. The territorial area comprising the participating
18 counties shall be designated a "prosecutorial district" and, once
19 elected at a general election pursuant to section 56.010, the
20 prosecuting attorney serving the area shall be known as a
21 "district attorney", who shall have the same duties prescribed by
22 this chapter for prosecuting attorneys throughout the state and
23 any additional duties as provided in section 56.060. In order to
24 form or join a prosecutorial district:

25 (1) For counties not having a charter form of government,
26 the county commission shall adopt a resolution to form or join a
27 prosecutorial district and approve the joint agreement provided
28 for in subsection 3 of this section;

29 (2) For counties having a charter form of government, the

1 governing body shall adopt a charter amendment to form or join a
2 prosecutorial district and approve the joint agreement provided
3 for in subsection 3 of this section; and

4 (3) For any county seeking to form or join a prosecutorial
5 district prior to January 1, 2015, the county commission shall
6 receive written consent from the elected county prosecuting
7 attorney before adopting the resolution or charter amendment.

8 2. Notice of the adoption of a resolution or charter
9 amendment under subsection 1 of this section shall be transmitted
10 to the secretary of state and the election authority of each
11 county within the prosecutorial district at least twelve months
12 in advance of the next general election at which a district
13 attorney is to be elected under section 56.010. Except as
14 otherwise provided under subsection 4 or 5 of this section, the
15 formation or expansion of the prosecutorial district and
16 abolishment of the county office of prosecuting attorney shall
17 not take effect until a district attorney elected at the next
18 general election pursuant to section 56.010 has entered upon the
19 discharge of his or her duties.

20 3. The governing bodies of the counties electing to join
21 together in a prosecutorial district shall approve a joint
22 agreement which specifies the duties of each county. If any
23 county seeks to join a prosecutorial district which has already
24 been established pursuant to this section, the joint agreement
25 shall be rewritten and reapproved by the governing body of each
26 member county. Any agreement shall contain the following:

27 (1) The names of the counties within the district;

28 (2) The formula for calculating each county's contribution
29 to the costs of the district;

1 (3) The formula for calculating each county's portion of
2 the fee collected under subsection 4 of section 56.060; and

3 (4) The timing and procedures for approval of the
4 prosecutorial district's annual budget by the governing bodies of
5 the member counties.

6 4. In any judicial circuit composed of a single county, the
7 governing body of the county may convert the office of
8 prosecuting attorney to the office of district attorney. The
9 district attorney shall have the same duties prescribed by this
10 chapter for prosecuting attorneys throughout the state and any
11 additional duties as provided under section 56.060. If the
12 office is converted, the county shall be designated a
13 prosecutorial district. In order to convert the office to that
14 of a prosecutorial district:

15 (1) In a judicial circuit composed of a single charter
16 county, the governing body of the county shall adopt a charter
17 amendment to convert the office of prosecuting attorney to the
18 office of district attorney;

19 (2) In a judicial circuit composed of a single noncharter
20 county, the governing body of the county shall adopt a resolution
21 to convert the office of prosecuting attorney to the office of
22 district attorney.

23 5. The prosecuting attorney of a county electing to convert
24 the office as provided for in subsection 4 of this section shall
25 perform the additional duties of a district attorney immediately
26 upon the governing body taking the action provided for in
27 subsection 4 of this section, but the election of a district
28 attorney shall not occur until the next regular election for the
29 office.

1 56.017. 1. Each district attorney shall have all the
2 powers and duties of the office of prosecuting attorney provided
3 to prosecuting attorneys in counties of the first classification
4 under this chapter. Each district attorney representing counties
5 of the second, third, or fourth classification shall also perform
6 the duties provided for prosecuting attorneys in such counties
7 under sections 56.291, 56.293, 56.300, and 56.305.

8 2. Each district attorney shall be responsible for the
9 budgets and staff of the offices within the prosecutorial
10 district or county. During his or her initial two-year term, any
11 district attorney elected at the general election in 2016 shall
12 employ as an assistant district attorney each person who served
13 as an elected prosecuting attorney in any county in the
14 prosecutorial district at the time of the election. Each
15 district attorney may appoint such additional assistant district
16 attorneys, and may employ such investigators and stenographic and
17 clerical help as the district attorney deems necessary for the
18 proper discharge of the duties of the district attorney's office,
19 and may set their compensation within the limits of the
20 allocations made for that purpose by joint agreement of the
21 governing bodies of the counties in the prosecutorial district.
22 The compensation for the assistant district attorneys,
23 investigators and stenographic and clerical help shall be paid in
24 equal installments out of the respective county treasuries in the
25 same manner as other county employees are paid.

26 3. The assistant district attorneys shall be subject to the
27 same fines and penalties for neglect of duty or misdemeanor in
28 office as the district attorney.

29 4. All assistant district attorneys, investigators, and

1 stenographic and clerical help shall hold office at the pleasure
2 of the district attorney.

3 56.060. 1. Each prosecuting attorney or district attorney
4 shall:

5 (1) Commence and prosecute all [civil and] criminal actions
6 by adults in the prosecuting attorney's county or district
7 attorney's prosecutorial district in which the county or state is
8 concerned[,];

9 (2) Represent the state in any misdemeanor case that is
10 taken to the court of appeals by appeal and make out and cause to
11 be printed, at the expense of the county, all necessary abstracts
12 of record and briefs, and if necessary appear in the court in
13 person, or employ some attorney at the prosecuting attorney's own
14 expense to represent the state in the court, and for his or her
15 services he or she shall receive the compensation that is proper,
16 not to exceed twenty-five dollars for each case, and necessary
17 traveling expenses, to be audited and paid as other claims are
18 audited and paid by the county commission;

19 (3) Defend all suits against the state [or county, and];

20 (4) Prosecute forfeited recognizances and actions for the
21 recovery of debts, fines, penalties and forfeitures accruing to
22 the state [or], county, or prosecutorial district; and

23 (5) Follow and prosecute or defend, as the case may be, all
24 cases in which changes of venue are granted, for which, in
25 addition to the fees now allowed by law, the prosecuting or
26 district attorney shall receive his or her actual expenses. [In
27 all cases, civil and criminal, in which changes of venue are
28 granted, the prosecuting attorney shall follow and prosecute or
29 defend, as the case may be, all the causes, for which, in

1 addition to the fees now allowed by law, the prosecuting attorney
2 shall receive his or her actual expenses. If any misdemeanor
3 case is taken to the court of appeals by appeal the prosecuting
4 attorney shall represent the state in the case in the court and
5 make out and cause to be printed, at the expense of the county,
6 all necessary abstracts of record and briefs, and if necessary
7 appear in the court in person, or shall employ some attorney at
8 the prosecuting attorney's own expense to represent the state in
9 the court, and for his or her services he or she shall receive
10 the compensation that is proper, not to exceed twenty-five
11 dollars for each case, and necessary traveling expenses, to be
12 audited and paid as other claims are audited and paid by the
13 county commission of the county.]

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

20 3. In each county taking the actions provided in section
21 56.015, the district attorney shall perform the following duties
22 in addition to all other duties imposed by law:

23 (1) Except as otherwise provided by law or for the
24 collection of debt owed for services rendered by the state public
25 defender system unless such collection is pursuant to a mutual
26 agreement or memorandum of understanding between the public
27 defender system and the district attorney, represent state
28 agencies in the collection of debt; and

29 (2) Provide not less than six hours of continuing education

1 to peace officers in the member counties in each year of his or
2 her term of office.

3 4. In the absence of an agreement that states otherwise,
4 the district attorney shall retain twenty percent of all debt
5 collected on behalf of state agencies under subsection 3 of this
6 section as a collection fee with:

7 (1) One-half of the fee collected to be payable to the
8 state of Missouri and remitted to the director of revenue who
9 shall deposit the amount collected pursuant to this section to
10 the credit of the Missouri office of prosecution services fund to
11 be used solely for the purpose of offsetting county expenses
12 related to victim services, office supplies, postage, books,
13 training, office equipment, capital outlay, expenses of trial and
14 witness preparation, additional employees for the staff of the
15 district attorney, and salary supplements for existing employees
16 on the staff of the district attorney; and

17 (2) One-half of the fee collected to be payable to the
18 county treasurer of each county in the prosecutorial district on
19 a pro rata basis, pursuant to the agreement entered into by the
20 counties under section 56.015, and deposited into the county
21 treasury."; and

22 Further amend said bill, pages 1-2, section 56.265 by
23 striking all of said section and inserting in lieu thereof the
24 following:

25 "56.265. 1. [The county] A prosecuting attorney [in any
26 county], other than a prosecuting attorney in a chartered county,
27 shall receive an annual salary computed using the following
28 schedule, when applicable. The assessed valuation factor shall
29 be the amount thereof as shown for the year immediately preceding

1 the year for which the computation is done.

2 (1) For a district attorney, he or she shall receive
3 compensation equal to the compensation of an associate circuit
4 judge. In multi-county prosecutorial districts, the total cost
5 to the counties for the compensation of the district attorney
6 shall be prorated among the counties, pursuant to the agreement
7 entered into by the counties under section 56.015. Nothing in
8 this subdivision shall be construed to prevent the governing body
9 of a charter county from electing to compensate the district
10 attorney in excess of the salary of an associate circuit judge;

11 (2) For a full-time [prosecutor] prosecuting attorney in a
12 county not taking the actions provided in section 56.015, the
13 prosecutor shall receive compensation equal to the compensation
14 of an associate circuit judge;

15 [(2)] (3) For a part-time [prosecutor] prosecuting attorney
16 in a county that is not part of a prosecutorial district as
17 provided in section 56.015, the governing body of the county may
18 elect to pay the part-time prosecuting attorney in accordance
19 with one of the following options:

20 Option 1. Using the following scale:

21 Assessed Valuation	Amount
22 \$ 18,000,000 to 40,999,999	\$37,000
23 41,000,000 to 53,999,999	38,000
24 54,000,000 to 65,999,999	39,000
25 66,000,000 to 85,999,999	41,000
26 86,000,000 to 99,999,999	43,000
27 100,000,000 to 130,999,999	45,000
28 131,000,000 to 159,999,999	47,000
29 160,000,000 to 189,999,999	49,000

1	190,000,000 to 249,999,999	51,000
2	250,000,000 to 299,999,999	53,000
3	300,000,000 or more	55,000; <u>or</u>

4 Option 2. Compensation equal to one-half the compensation of a
5 full-time prosecuting attorney provided under subdivision (2) of
6 this subsection, but this option may only be selected if the
7 presiding judge of the circuit court appoints the part-time
8 prosecuting attorney to represent the juvenile officer in all
9 juvenile court cases.

10 2. Two thousand dollars of the salary authorized in
11 subdivisions (2) or (3) of subsection 1 of this section shall be
12 payable to the prosecuting attorney only if the prosecuting
13 attorney has completed at least twenty hours of classroom
14 instruction each calendar year relating to the operations of the
15 prosecuting attorney's office when approved by a professional
16 association of the county prosecuting attorneys of Missouri
17 unless exempted from the training by the professional
18 association. Ten thousand dollars of the salary authorized for a
19 district attorney under subdivision (1) of subsection 1 of this
20 section shall be payable to the district attorney only if he or
21 she has completed at least thirty hours of such classroom
22 instruction each calendar year unless exempted by the
23 professional association. The professional association approving
24 the program shall provide a certificate of completion to each
25 prosecuting attorney who completes the training program and shall
26 send a list of certified prosecuting attorneys to the treasurer
27 of each county. Expenses incurred for attending the training
28 session may be reimbursed to the [county] prosecuting attorney in
29 the same manner as other expenses as may be appropriated for that

1 purpose.

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

4 4. The prosecuting attorney of any county which becomes a
5 county of the first classification during a four-year term of
6 office or a county which passed the proposition authorized by
7 subsection 1 of section 56.363 shall not be required to devote
8 full time to such office pursuant to section 56.067 until the
9 beginning of the prosecuting attorney's next term of office or
10 until the proposition otherwise becomes effective.

11 5. The provisions of section 56.066 shall not apply to
12 full-time prosecutors who are compensated pursuant to subdivision
13 (1) of subsection 1 or subdivision (2) of this section."; and

14 Further amend said bill, page 5, Section 56.363, line 78, by
15 inserting after all of said line the following:

16 "56.430. At the general election to be held in this state
17 in the year 1948, and every four years thereafter, there shall be
18 elected in the city of St. Louis one circuit attorney, who shall
19 reside in said city, and shall possess the same qualifications
20 and be subject to the same duties that are prescribed by this
21 chapter for district or prosecuting attorneys throughout the
22 state.

23 56.805. As used in sections 56.800 to 56.840, the following
24 words and terms mean:

25 (1) "Annuity", annual payments, made in equal monthly
26 installments, to a retired member from funds provided for, in, or
27 authorized by, the provisions of sections 56.800 to 56.840;

28 (2) "Average final compensation", the average compensation
29 of an employee for the two consecutive years prior to retirement

1 when the employee's compensation was greatest;

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

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

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

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

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

14 (8) "Employee", an elected or appointed prosecuting
15 attorney [or circuit attorney who is employed by a county or a
16 city not within a county];

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

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

24 (11) "Prosecuting attorney", shall included any elected or
25 appointed prosecuting attorney employed by a county, district
26 attorney employed by a prosecutorial district, or circuit
27 attorney employed by a city not within a county;

28 (12) "Retirement system" or "system", the prosecuting
29 attorneys and circuit attorneys' retirement system authorized by

1 the provisions of sections 56.800 to 56.840."; and

2 Further amend said bill, page 5, section 56.807, line 16, by
3 inserting after the word "cents" the following:

4 "i

5 (4) For counties that have formed or joined a prosecutorial
6 district under section 56.015, one thousand two hundred ninety-
7 one dollars and sixty-seven cents, which shall be prorated among
8 the counties pursuant to the joint agreement the counties entered
9 into under section 56.015"; and

10 Further amend said bill, page 7, section 56.816, line 15, by
11 inserting after the word "county" the following: ", as district
12 attorney,"; and

13 Further amend said bill, section, and page, line 33, by
14 inserting after all of said line the following:

15 "211.411. 1. It is the duty of circuit, district,
16 prosecuting and city attorneys, and county counselors
17 representing the state or a city in any court, to give the
18 juvenile officer such aid and cooperation as may not be
19 inconsistent with the duties of their offices.

20 2. It is the duty of police officers, sheriffs and other
21 authorized persons taking a child into custody to give
22 information of that fact immediately to the juvenile court or to
23 the juvenile officer or one of his deputies and to furnish the
24 juvenile court or the juvenile officer all the facts in their
25 possession pertaining to the child, its parents, guardian or
26 other persons interested in the child, together with the reasons
27 for taking the child into custody.

28 3. It is the duty of all other public officials and
29 departments to render all assistance and cooperation within their

1 jurisdictional power which may further the objects of this
2 chapter. The court is authorized to seek the cooperation of all
3 societies and organizations having for their object the
4 protection or aid of children and of any person or organization
5 interested in the welfare of children."; and

6 Further amend the title and enacting clause accordingly.