

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 824**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 1, 2014, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 824, adopted April 15, 2014.

Taken up for Perfection April 15, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5840S.05P

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**AN ACT**

To repeal sections 1.020, 56.010, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.807, 56.816, and 211.411, RSMo, and to enact in lieu thereof thirteen new sections relating to prosecuting attorneys.

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

Section A. Sections 1.020, 56.010, 56.060, 56.067, 56.265, 56.363, 56.430, 2 56.805, 56.807, 56.816, and 211.411, RSMo, are repealed and thirteen new 3 sections enacted in lieu thereof, to be known as sections 1.020, 56.010, 56.015, 4 56.017, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.807, 56.816, and 5 211.411, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise 2 specially provided or unless plainly repugnant to the intent of the legislature or 3 to the context thereof:

4 (1) "Certified mail" or "certified mail with return receipt requested", 5 includes certified mail carried by the United States Postal Service, or any parcel 6 or letter carried by an overnight, express, or ground delivery service that allows 7 a sender or recipient to electronically track its location and provides record of the 8 signature of the recipient;

9 (2) ["County or circuit attorney" means prosecuting attorney] **"County** 10 **attorney", "circuit attorney", "district attorney", "prosecuting attorney",** 11 **or "prosecutor" or any derivation thereof, when used in the context of** 12 **the functions, duties, powers, and responsibilities of the office, means**

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

13 **an elected official of a county or designated district with the**  
14 **responsibility for prosecuting 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. At the general election to be held in [this state in the year A.D.  
2 1982, and every four years thereafter,] **the years provided under this**  
3 **section**, there shall be elected [in each county of this state] a prosecuting  
4 attorney **or district attorney**, who shall be a person learned in the law, duly  
5 licensed to practice as an attorney at law in this state, and enrolled as such, at  
6 least twenty-one years of age, and who has been a bona fide resident of the county  
7 **or prosecutorial district** in which he **or she** seeks election for twelve months  
8 next preceding the date of the general election at which he is a candidate for such

9 office and shall hold his or her office for four years, and until his or her  
10 successor is elected, commissioned and qualified.

11 **2. At the general election in the year 2018, and every four years**  
12 **thereafter, in each county that has not entered into a prosecutorial**  
13 **district under section 56.015, there shall be elected a prosecuting**  
14 **attorney.**

15 **3. At the general election in the year 2018, and every four years**  
16 **thereafter, in each prosecutorial district formed pursuant to section**  
17 **56.015, there shall be elected a district attorney.**

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

22 **5. At the general election in the year 2016, in any county which**  
23 **has adopted a resolution or charter amendment pursuant to section**  
24 **56.015 prior to January 1, 2015, there shall be elected a district**  
25 **attorney, for a term of two years.**

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

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

19 **(2) For counties having a charter form of government, the**  
20 **governing body shall adopt a charter amendment to form or join a**

21 prosecutorial district and approve the joint agreement provided for in  
22 subsection 3 of this section; and

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

27 2. Notice of the adoption of a resolution or charter amendment  
28 under subsection 1 of this section shall be transmitted to the secretary  
29 of state and the election authority of each county within the  
30 prosecutorial district at least twelve months in advance of the next  
31 general election at which a district attorney is to be elected under  
32 section 56.010. Except as otherwise provided under subsection 4 or 5  
33 of this section, the formation or expansion of the prosecutorial district  
34 and abolishment of the county office of prosecuting attorney shall not  
35 take effect until a district attorney elected at the next general election  
36 pursuant to section 56.010 has entered upon the discharge of his or her  
37 duties.

38 3. The governing bodies of the counties electing to join together  
39 in a prosecutorial district shall approve a joint agreement which  
40 specifies the duties of each county. If any county seeks to join a  
41 prosecutorial district which has already been established pursuant to  
42 this section, the joint agreement shall be rewritten and reapproved by  
43 the governing body of each member county. Any agreement shall  
44 contain the following:

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

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

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

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

53 4. In any judicial circuit composed of a single county, the  
54 governing body of the county may convert the office of prosecuting  
55 attorney to the office of district attorney. The district attorney shall  
56 have the same duties prescribed by this chapter for prosecuting  
57 attorneys throughout the state and any additional duties as provided

58 under section 56.060. If the office is converted, the county shall be  
59 designated a prosecutorial district. In order to convert the office to  
60 that of a prosecutorial district:

61 (1) In a judicial circuit composed of a single charter county, the  
62 governing body of the county shall adopt a charter amendment to  
63 convert the office of prosecuting attorney to the office of district  
64 attorney;

65 (2) In a judicial circuit composed of a single noncharter county,  
66 the governing body of the county shall adopt a resolution to convert the  
67 office of prosecuting attorney to the office of district attorney.

68 5. The prosecuting attorney of a county electing to convert the  
69 office as provided for in subsection 4 of this section shall perform the  
70 additional duties of a district attorney immediately upon the governing  
71 body taking the action provided for in subsection 4 of this section, but  
72 the election of a district attorney shall not occur until the next regular  
73 election for the office.

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

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

22 **paid in equal installments out of the respective county treasuries in the**  
23 **same manner as other county employees are paid.**

24 **3. The assistant district attorneys shall be subject to the same**  
25 **finances and penalties for neglect of duty or misdemeanor in office as the**  
26 **district attorney.**

27 **4. All assistant district attorneys, investigators, and stenographic**  
28 **and clerical help shall hold office at the pleasure of the district**  
29 **attorney.**

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

2 **(1) Commence and prosecute all [civil and] criminal actions by adults**  
3 **in the prosecuting attorney's county or district attorney's prosecutorial**  
4 **district in which the county or state is concerned[.];**

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

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

15 **(4) Prosecute forfeited recognizances and actions for the recovery of debts,**  
16 **finances, penalties and forfeitures accruing to the state [or], county, or**  
17 **prosecutorial district; and**

18 **(5) Follow and prosecute or defend, as the case may be, all cases**  
19 **in which changes of venue are granted, for which, in addition to the**  
20 **fees now allowed by law, the prosecuting or district attorney shall**  
21 **receive his or her actual expenses. [In all cases, civil and criminal, in which**  
22 **changes of venue are granted, the prosecuting attorney shall follow and prosecute**  
23 **or defend, as the case may be, all the causes, for which, in addition to the fees**  
24 **now allowed by law, the prosecuting attorney shall receive his or her actual**  
25 **expenses. If any misdemeanor case is taken to the court of appeals by appeal the**  
26 **prosecuting attorney shall represent the state in the case in the court and make**  
27 **out and cause to be printed, at the expense of the county, all necessary abstracts**  
28 **of record and briefs, and if necessary appear in the court in person, or shall**

29 employ some attorney at the prosecuting attorney's own expense to represent the  
30 state in the court, and for his or her services he or she shall receive the  
31 compensation that is proper, not to exceed twenty-five dollars for each case, and  
32 necessary traveling expenses, to be audited and paid as other claims are audited  
33 and paid by the county commission of the county.]

34 2. Notwithstanding the provisions of subsection 1 of this section, in any  
35 county for which a county counselor is appointed, the prosecuting attorney shall  
36 only perform those duties prescribed by subsection 1 of this section which are not  
37 performed by the county counselor under the provisions of law relating to the  
38 office of county counselor.

39 **3. In each county taking the actions provided in section 56.015,**  
40 **the district attorney shall perform the following duties in addition to**  
41 **all other duties imposed by law:**

42 (1) **Except as otherwise provided by law or for the collection of**  
43 **debt owed for services rendered by the state public defender system**  
44 **unless such collection is pursuant to a mutual agreement or**  
45 **memorandum of understanding between the public defender system**  
46 **and the district attorney, represent state agencies in the collection of**  
47 **debt; and**

48 (2) **Provide not less than six hours of continuing education to**  
49 **peace officers in the member counties in each year of his or her term**  
50 **of office.**

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

55 (1) **One-half of the fee collected to be payable to the state of**  
56 **Missouri and remitted to the director of revenue who shall deposit the**  
57 **amount collected pursuant to this section to the credit of the Missouri**  
58 **office of prosecution services fund to be used solely for the purpose of**  
59 **offsetting county expenses related to victim services, office supplies,**  
60 **postage, books, training, office equipment, capital outlay, expenses of**  
61 **trial and witness preparation, additional employees for the staff of the**  
62 **district attorney, and salary supplements for existing employees on the**  
63 **staff of the district attorney; and**

64 (2) **One-half of the fee collected to be payable to the county**  
65 **treasurer of each county in the prosecutorial district on a pro rata**



66 **basis, pursuant to the agreement entered into by the counties under**  
 67 **section 56.015, and deposited into the county treasury.**

56.067. In counties of the first classification not having a charter form of  
 2 government[,] and **other** counties in which [have passed the proposition  
 3 authorized by section 56.363] **the prosecuting attorney is a full-time**  
 4 **position**, the prosecuting attorney, except in the performance of special  
 5 prosecutions or otherwise representing the state or its political subdivisions, shall  
 6 devote full time to his office, and shall not engage in the 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 district attorney, he or she shall receive compensation**  
 7 **equal to the compensation of an associate circuit judge. In multi-**  
 8 **county prosecutorial districts, the total cost to the counties for the**  
 9 **compensation of the district attorney shall be prorated among the**  
 10 **counties, pursuant to the agreement entered into by the counties under**  
 11 **section 56.015. Nothing in this subdivision shall be construed to**  
 12 **prevent the governing body of a charter county from electing to**  
 13 **compensate the district attorney in excess of the salary of an associate**  
 14 **circuit judge;**

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

18 [(2)] (3) For a part-time [prosecutor] **prosecuting attorney in a**  
 19 **county that is not part of a prosecutorial district as provided in section**  
 20 **56.015, the governing body of the county may elect to pay the part-time**  
 21 **prosecuting attorney in accordance with one of the following options:**

22 **Option 1. Using the following scale:**

23	Assessed Valuation	Amount
24	\$ 18,000,000 to 40,999,999	\$37,000
25	41,000,000 to 53,999,999	38,000
26	54,000,000 to 65,999,999	39,000
27	66,000,000 to 85,999,999	41,000
28	86,000,000 to 99,999,999	43,000

29	100,000,000 to 130,999,999	45,000
30	131,000,000 to 159,999,999	47,000
31	160,000,000 to 189,999,999	49,000
32	190,000,000 to 249,999,999	51,000
33	250,000,000 to 299,999,999	53,000
34	300,000,000 or more	55,000; <b>or</b>

35 **Option 2. Compensation equal to one-half the compensation of a full-**  
 36 **time prosecuting attorney provided under subdivision (2) of this**  
 37 **subsection, but this option may only be selected if the presiding judge**  
 38 **of the circuit court appoints the part-time prosecuting attorney to**  
 39 **represent the juvenile officer in all juvenile court cases.**

40 2. Two thousand dollars of the salary authorized in **subdivisions (2) or**  
 41 **(3) of subsection 1** of this section shall be payable to the prosecuting attorney  
 42 only if the prosecuting attorney has completed at least twenty hours of classroom  
 43 instruction each calendar year relating to the operations of the prosecuting  
 44 attorney's office when approved by a professional association of the county  
 45 prosecuting attorneys of Missouri unless exempted from the training by the  
 46 professional association. **Ten thousand dollars of the salary authorized for**  
 47 **a district attorney under subdivision (1) of subsection 1 of this section**  
 48 **shall be payable to the district attorney only if he or she has completed**  
 49 **at least thirty hours of such classroom instruction each calendar year**  
 50 **unless exempted by the professional association.** The professional  
 51 association approving the program shall provide a certificate of completion to  
 52 each prosecuting attorney who completes the training program and shall send a  
 53 list of certified prosecuting attorneys to the treasurer of each county. Expenses  
 54 incurred for attending the training session may be reimbursed to the [county]  
 55 prosecuting attorney in the same manner as other expenses as may be  
 56 appropriated for that purpose.

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

59 4. The prosecuting attorney of any county which becomes a county of the  
 60 first classification during a four-year term of office or a county which passed the  
 61 proposition authorized by **subsection 1 of section 56.363** shall not be required  
 62 to devote full time to such office pursuant to section 56.067 until the beginning  
 63 of the prosecuting attorney's next term of office or until the proposition otherwise  
 64 becomes effective.

65           5. The provisions of section 56.066 shall not apply to full-time prosecutors  
66 who are compensated pursuant to subdivision (1) of subsection 1 **or subdivision**  
67 **(2)** 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 a full-time  
5 position. The commission shall cause notice of the election to be published in a  
6 newspaper published within the county, or if no newspaper is published within  
7 the county, in a newspaper published in an adjoining county, for three weeks  
8 consecutively, the last insertion of which shall be at least ten days and not more  
9 than thirty days before the day of the election, and by posting printed notices  
10 thereof at three of the most public places in each township in the county. The  
11 proposition shall be put before the voters substantially in the following form:

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

14                            YES                            NO

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

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

29           3. In counties that, prior to August 28, 2001, have elected pursuant to this  
30 section to make the position of prosecuting attorney a full-time position, the  
31 county commission may at any time elect to have that position also qualify for the  
32 retirement benefit available for a full-time prosecutor of a county of the first  
33 classification. Such election shall be made by a majority vote of the county

34 commission and once made shall be irrevocable, **unless the voters of the**  
 35 **county elect to change the position of prosecuting attorney back to a**  
 36 **part-time position pursuant to subsection 4 of this section.** When such  
 37 an election is made, the results shall be transmitted to the Missouri prosecuting  
 38 attorneys and circuit attorneys' retirement system fund, and the election shall be  
 39 effective on the first day of January following such election. Such election shall  
 40 also obligate the county to pay into the Missouri prosecuting attorneys and circuit  
 41 attorneys' system retirement fund the same retirement contributions for full-time  
 42 prosecutors as are paid by counties of the first classification.

43 **4. In any county that has elected to make the county prosecutor**  
 44 **a full-time position pursuant to this section the county commission may**  
 45 **on its own motion and shall upon the petition of ten percent of the total**  
 46 **number of people who voted in the previous general election in the**  
 47 **county submit to the voters at a general or special election the**  
 48 **proposition of changing the full-time prosecutor position to a part-time**  
 49 **position. The commission shall cause notice of the election to be**  
 50 **published in a newspaper published within the county, or if no**  
 51 **newspaper is published within the county, in a newspaper published in**  
 52 **an adjoining county, for three weeks consecutively, the last insertion**  
 53 **of which shall be at least ten days and not more than thirty days before**  
 54 **the day of the election, and by posting printed notices thereof at three**  
 55 **of the most public places in each township in the county. The**  
 56 **proposition shall be put before the voters substantially in the following**  
 57 **form:**

58 **Shall the office of prosecuting attorney be made a part-time**  
 59 **position in ..... County?**

60  **YES**  **NO**

61 **If a majority of the voters vote in favor of making the county**  
 62 **prosecutor a part-time position, it shall become effective upon the date**  
 63 **that the prosecutor who is elected at the next election subsequent to**  
 64 **the passage of such proposal is sworn into office.**

65 **5. In any county that has elected to make the full-time position**  
 66 **of county prosecutor a part-time position pursuant to subsection 4 of**  
 67 **this section, the county's retirement contribution to the retirement**  
 68 **system and the retirement benefit earned by the member shall**  
 69 **prospectively be that of a part-time prosecutor as established in this**

70 **chapter. Any retirement contribution made and retirement benefit**  
71 **earned prior to the effective date of the voter approved proposition**  
72 **pursuant to subsection 4 of this section shall be maintained by the**  
73 **retirement system and used to calculate the retirement benefit for such**  
74 **prior full-time position service. Under no circumstances shall a**  
75 **member in a part-time prosecutor position earn full-time position**  
76 **retirement benefit service accruals for time periods after the effective**  
77 **date of the proposition changing the county prosecutor back to a part-**  
78 **time position.**

56.430. At the general election to be held in this state in the year 1948,  
2 and every four years thereafter, there shall be elected in the city of St. Louis one  
3 circuit attorney, who shall reside in said city, and shall possess the same  
4 qualifications and be subject to the same duties that are prescribed by this  
5 chapter for **district or** prosecuting attorneys throughout the state.

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**  
26 **appointed prosecuting attorney employed by a county, district attorney**  
27 **employed by a prosecutorial district, or circuit attorney employed by**  
28 **a city not within a county;**

29 (12) "Retirement system" or "system", the prosecuting attorneys and  
30 circuit attorneys' retirement system authorized by the provisions of sections  
31 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  
13 elect to make the position of prosecuting attorney a full-time position after  
14 August 28, 2001, or whose county commission has elected a full-time retirement  
15 benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one  
16 thousand two hundred ninety-one dollars and sixty-seven cents;

17 (4) **For counties that have formed or joined a prosecutorial**  
18 **district under section 56.015, one thousand two hundred ninety-one**  
19 **dollars and sixty-seven cents, which shall be prorated among the**  
20 **counties pursuant to the joint agreement the counties entered into**  
21 **under section 56.015.**

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. 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 (1) For counties of the third and fourth classification except as provided  
39 in subdivision (3) of this subsection, one hundred eighty-seven dollars;

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

42 (3) 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 6. Beginning August 28, 2003, the county treasurer shall at least monthly  
48 transmit the sums specified in subsection 5 of this section to the Missouri office  
49 of prosecution services for deposit to the credit of the Missouri prosecuting  
50 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri  
51 prosecuting attorneys and circuit attorneys' retirement system fund shall be used  
52 only for the purposes provided in sections 56.800 to 56.840, and for no other  
53 purpose.

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

56 (1) There shall be assessed and collected a surcharge of four dollars in all  
57 criminal cases filed in the courts of this state including violation of any county  
58 ordinance or any violation of criminal or traffic laws of this state, including  
59 infractions, but no such surcharge shall be assessed when the costs are waived  
60 or are to be paid by the state, county, or municipality or when a criminal  
61 proceeding or the defendant has been dismissed by the court or against any  
62 person who has pled guilty and paid their fine pursuant to subsection 4 of section  
63 476.385. For purposes of this section, the term "county ordinance" shall include

64 any ordinance of the city of St. Louis;

65 (2) The clerk responsible for collecting court costs in criminal cases shall  
66 collect and disburse such amounts as provided by sections 488.010 to  
67 488.026. Such funds shall be payable to the prosecuting attorneys and circuit  
68 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and  
69 circuit attorneys' retirement fund shall be used only for the purposes provided  
70 for in sections 56.800 to 56.840 and for no other purpose.

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

74 9. No state moneys shall be used to fund section 56.700 and sections  
75 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, **as district attorney**, or as circuit  
16 attorney of a city not within a county shall be equal to fifty percent of the final  
17 average compensation.

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

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

5 2. It is the duty of police officers, sheriffs and other authorized persons  
6 taking a child into custody to give information of that fact immediately to the  
7 juvenile court or to the juvenile officer or one of his deputies and to furnish the  
8 juvenile court or the juvenile officer all the facts in their possession pertaining  
9 to the child, its parents, guardian or other persons interested in the child,  
10 together with the reasons for taking the child into custody.

11 3. It is the duty of all other public officials and departments to render all  
12 assistance and cooperation within their jurisdictional power which may further  
13 the objects of this chapter. The court is authorized to seek the cooperation of all  
14 societies and organizations having for their object the protection or aid of children  
15 and of any person or organization interested in the welfare of children.

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